the weekly Standard

DECEMBER 15, 2003 • $3.95

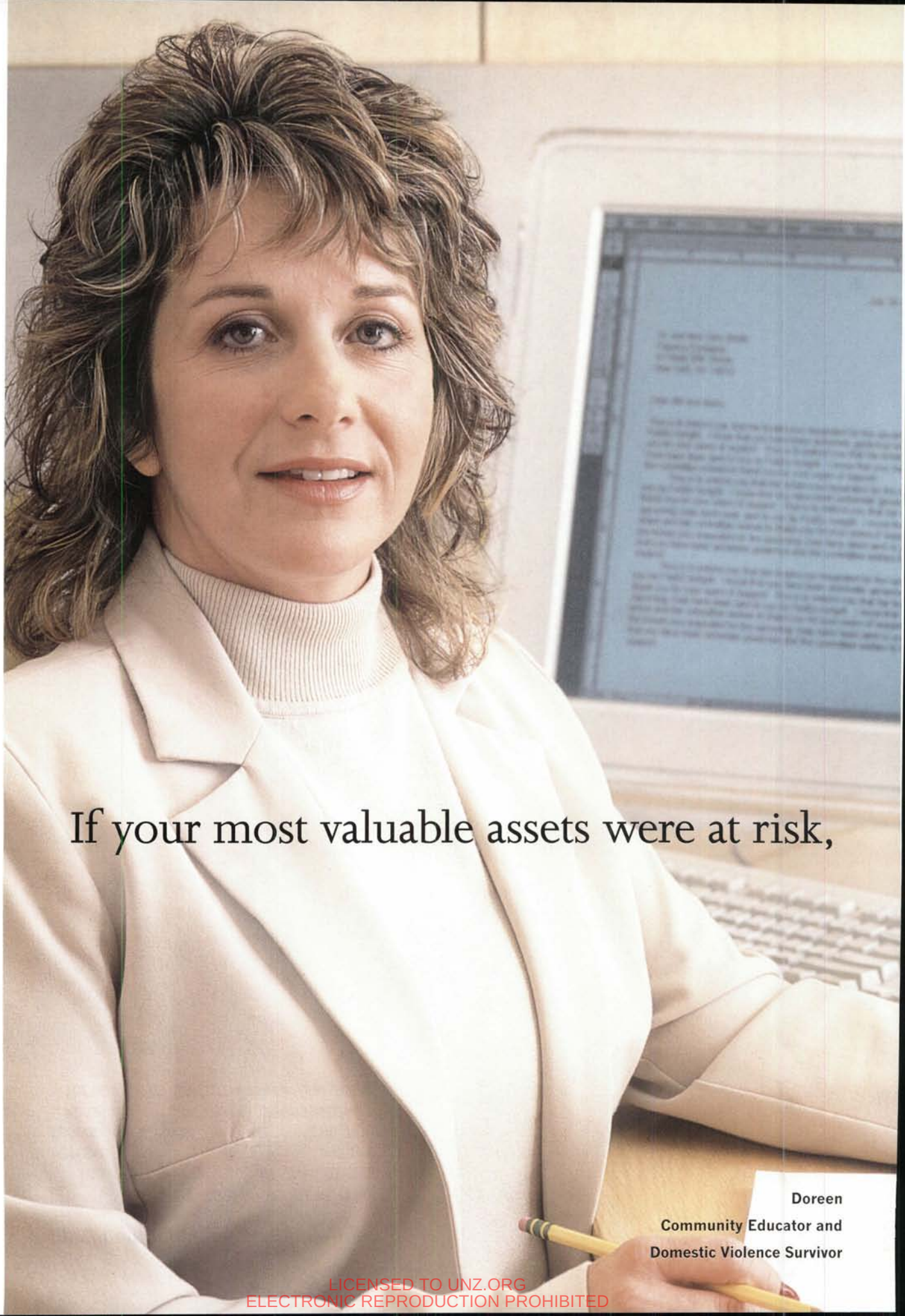
LOOKING JEWISH
JOSEPH EPSTEIN

In Defense (sort of) of Trial Lawyers

by William Tucker

#BXNFMVD ******AUTO**5-DIGIT 94301
#UNZ0555B096 1#302604 WK 6034
RON UNZ NOV 29 04 000031
371 000424
555 BRYANT ST 001
PALO ALTO CA 94301-1704

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



© 2003 Altria Group, Inc. Photo: Jayne Wexler

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Domestic Violence affects
1 in every 4 women.

It costs American businesses
over $3 billion each year.

And your company can be
part of the solution.

Domestic violence is the leading cause of injury to women in our country, and its impact extends from the home to the workplace. The result? Shattered lives and billions of dollars in business losses annually due to absenteeism, turnover, medical expenses and lower productivity.

That's why helping victims of domestic violence is your business. Your company can change lives by building awareness of the issue and providing a link to information about resources in your community.

Let your employees know their safety is important. A few steps can make all the difference to your business — and to someone like Doreen.

wouldn't you protect them?

To learn how to implement a domestic violence workplace policy in your company, please visit:
www.safeatworkcoalition.org

If you or one of your employees needs help, contact the National Domestic Violence Hotline:
(800) 799-SAFE

Supported by

Altria

Kraft Foods
Philip Morris International
Philip Morris USA

www.altria.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

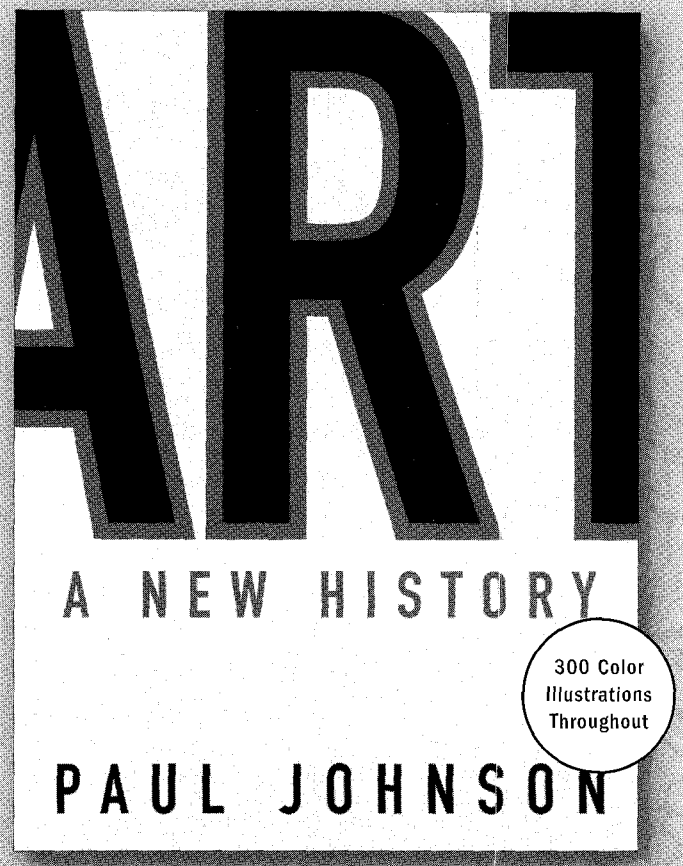
TWO LANDMARK BOOKS FROM *NEW YORK TIMES* BESTSELLING AUTHORS

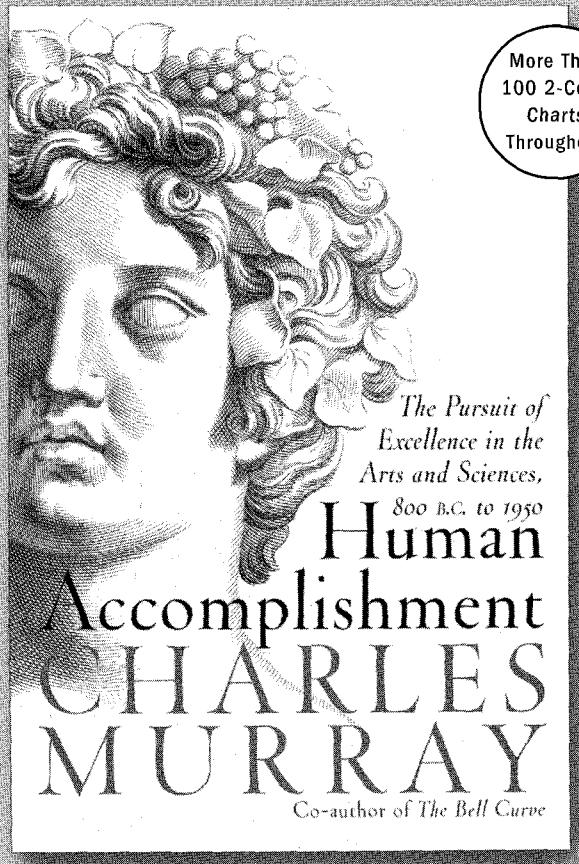
A provocative, personal view of the history of art from Paul Johnson, author of *MODERN TIMES.*

"A master of narrative history... he writes with such an engaging combination of passion and instruction that the reader longs to hurry off to the nearest museum."
—*Los Angeles Times Book Review*

"[Johnson] writes at a lively pace, with flair, intelligence, and good humor."
—*Weekly Standard*

"Many fresh points of view and many eccentric ones... it always has the virtue of a strong and opinionated intelligence guiding its arguments and prose."
—*Wall Street Journal*





A sweeping survey of the world's greatest achievers from bestselling author Charles Murray.

"Provocative."
—*New York Times*

"Full of telling observations about the limits of historical knowledge... and the differences between artistic and scientific excellence."
—*Wall Street Journal*

"[Brings] a kind of freshness to the seemingly intractable problem of human genius."
—Roger Kimball, Managing Editor of the *New Criterion*, as stated in the *Washington Times*

HarperCollins*Publishers*
www.harpercollins.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Contents

December 15, 2003 • Volume 9, Number 14

4 Scrapbook ..... *Thanksgiving in Baghdad and more.*

6 Casual..... *Irwin M. Stelzer, grateful social scientist.*

8 Correspondence..... *Gay marriage, civilians, etc.*

9 Editorial ..... *The Last Refuge of the Democrats*

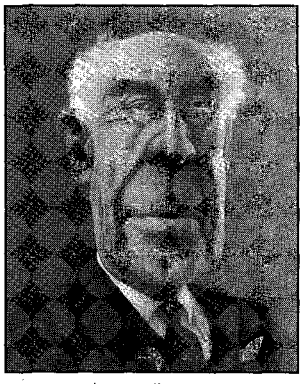
Articles

10 An Intelligent Democrat . . . *on the Senate Intelligence Committee*..... BY STEPHEN F. HAYES

12 Flacks and Hacks in Baghdad *What it's like to report from Iraq*..... BY NOAH D. OPPENHEIM

14 Wahhabis at the Gate *What are the Saudis up to in the Balkans?*..... BY STEPHEN SCHWARTZ

16 RFE, RIP *Radio Free Europe: mission accomplished*..... BY ARCH PUDDINGTON



Cover: Zachary Pullen

Features

18 In Defense (sort of) of Trial Lawyers

Their excesses are well known, their virtues less so..... BY WILLIAM TUCKER

23 Marriage Defeatists

Federalism is a poor excuse for abandoning a core social institution..... BY MAGGIE GALLAGHER

Books & Arts

27 Funny, But I Do Look Jewish *The photos of Frédéric Brenner's* Diaspora..... BY JOSEPH EPSTEIN

32 Making Middle Earth *From* The Hobbit *to* The Lord of the Rings..... BY DANIEL KENNELLY

35 THE STANDARD READER ..... *Eve Tushnet on Laura Kipnis, Erin Montgomery on Bernard Goldberg, and more.*

36 Parody ..... *Paul Krugman's touch-screen voting scandal.*

William Kristol, *Editor* **Fred Barnes,** *Executive Editor*
David Tell, *Opinion Editor* **Christopher Caldwell, Andrew Ferguson,** *Senior Editors* **Richard Starr, Claudia Winkler,** *Managing Editors*
J. Bottum, *Books & Arts Editor* **Matt Labash,** *Senior Writer* **Stephen F. Hayes,** *Staff Writer*
Victorino Matus, David Skinner, *Assistant Managing Editors* **Jonathan V. Last,** *Online Editor*
Katherine Mangu-Ward, *Reporter* **Matthew Continetti, Rachel DiCarlo, Erin Montgomery,** *Editorial Assistants*
Lev Nisnevitch, *Art Director* **Philip Chalk,** *Production Director*
Max Boot, Tucker Carlson, John J. DiIulio Jr., Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht
Brit Hume, Robert Kagan, Charles Krauthammer, Tod Lindberg, P. J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*
Terry Eastland, *Publisher* **Peter Dunn,** *Advertising Director*
Nicholas H.B. Swezey, *Advertising & Marketing Manager* **Lauren Trotta Husted,** *Circulation Director*
Tina Winston, *Finance Director* **Catherine Titus Lowe,** *Publicity Director*
Taybor Cook, Carolyn Wimmer, *Executive Assistants* **Michael Goldfarb,** *Staff Assistant*

the weekly Standard

THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the first week in January, the second week in July, the second week in August, and the second week in September) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, NY, and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7653 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. For a copy of THE WEEKLY STANDARD Privacy Policy, visit www.weeklystandard.com or write to Customer Service, THE WEEKLY STANDARD, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. THE WEEKLY STANDARD Advertising Sales Office in Washington, DC, is 1-202-293-4900. Advertising Production: Call Nicholas H.B. Swezey 1-202-496-3355. Copyright 2003, News America Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Incorporated.

BPA INTERNATIONAL

www.weeklystandard.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

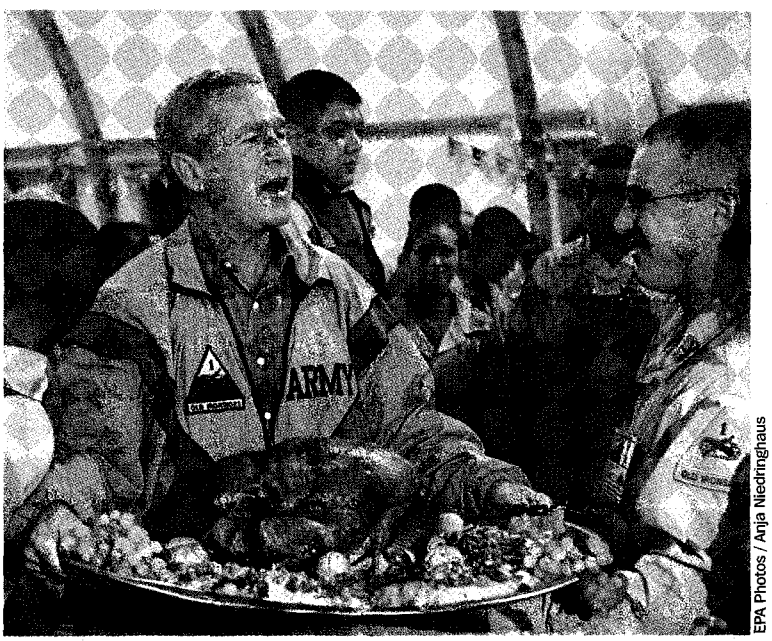
Bush's Baghdad Surprise

THE WEEKLY STANDARD closed early last week because of Thanksgiving, and thus we missed the chance to applaud the president's trip to visit the troops in Baghdad. The email excerpted below from a captain in Iraq who attended the dinner is eloquent on the meaning of the trip to the soldiers serving in Iraq.

We knew there was a dinner planned with Ambassador Bremer and [Lieutenant General] Sanchez. There were 600 seats available and all the units in the division were tasked with filling a few tables. . . . Soldiers were grumbling about having to sit through another dog-and-pony show, so we had to pick soldiers to attend. I chose not to go. But about 1500 the G2 [division intelligence officer] . . . came up to me and with a smile, asked me to come to dinner with him, to meet him in his office at 1600 and bring a camera. I didn't really care about getting a picture with Sanchez or Bremer, but when the division's senior intelligence officer asks you to go, you go.

We were seated in the chow hall, fully decorated for Thanksgiving when aaaaallllll kinds of secret service guys showed up. That was my first clue, because Bremer's been here before and his personal security detachment is not that big.

Then Brigadier General Dempsey got up to speak, and he welcomed Ambassador Bremer and Lieutenant General Sanchez. Bremer thanked us all and pulled out a piece of paper as if to give a speech. He mentioned that the President had given him this Thanksgiving speech to give to the troops. He then paused and said that the senior man present should be the one to give it. He then looked at Sanchez, who just smiled. Bremer then said that we should probably get someone more senior to read the speech.



EPA Photos / Anja Niedringhaus

Then, from behind the camouflage netting, the President of the United States came around. The mess hall actually erupted with hollering. Troops bounded to their feet with shocked smiles and just began cheering with all their hearts. The building actually shook. It was just unreal. I was absolutely stunned. Not only for the obvious, but also because I was only two tables away from the podium. There he stood, less than thirty feet away from me!

The cheering went on and on and on. Soldiers were hollering, cheering, and a lot of them were crying. There was not a dry eye at my table. When he stepped up to the cheering, I could clearly see tears running down his cheeks. It was the most surreal moment I've had in years. . . . Here was this man, our President, came all the way around the world, spending 17 hours on an airplane and landing in the most dangerous airport in the world, where a plane was shot out of the sky not six days before. Just to spend two hours with his troops. Only to get on a plane and spend another 17 hours flying back. It was a great moment, and I will never forget it.

He delivered his speech, which we all loved, then he looked right at me and held his eyes on me. Then he stepped down and was just mobbed by the soldiers. He slowly worked his way all the way around the chow hall and shook every last hand extended. Every soldier who wanted a photo with the President got one. I made my way through the line, got dinner, then wolfed it down as he was still working the room.

You could tell he was really enjoying himself. It wasn't just a photo opportunity. This man was actually enjoying himself! He worked his way over the course of about 90 minutes towards my side of the room. . . . As he passed and posed for photos, he looked me in the eye and said, "How you doin', captain." I smiled and said "God bless you, sir." To which he responded "I'm proud of what you do, Captain." Then moved on. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Talking Turkey

The president's Thanksgiving Day trip was such a triumph, it sent the media into a deep funk. The most ludicrous manifestation of this was the *Washington Post*'s attack of the vapors over the fact that the turkey held by the president in the photo to the left was "roasted and primped . . . to adorn the buffet line" and not actually eaten. This, they intoned, "opened new credibility questions" for the White House. They weren't kidding. They devoted 886 words to the story.

So we thought we'd provide some more story ideas for the *Post*'s vaunted investigative team. Bob Woodward may personally want to take charge of this project.

(1) White House sources tell us that the president's remarks to the troops may secretly have been drafted not by the president himself, but by a paid team of speechwriters.

(2) When the president appears on formal occasions like the State of the Union, it only looks like he's reciting his speech from memory. In fact, using something called a TelePrompTer that he can see but we can't, he's reading his lines.

(3) Finally, and this may require an internal probe at the *Post*, we hear that members of the White House press corps have been known to *write out in advance* those impromptu-sounding questions they ask the president at his televised news conferences—just so they will look more commanding and professional when they're on camera.

There are more ideas where those came from, but it's safe to say the *Post* is right: New credibility questions *are* popping up all over. ♦

Thinking This Over

In America, as we know, any kid can grow up to be president, but who would have thought that a journalist could grow up to earn the Presidential Medal of Freedom? Yet this has now happened to Robert Bartley, former editor of the *Wall Street Journal*, who was chosen to receive the nation's highest civilian honor by President Bush last week.

The citation records the indisputable: that as "a champion of free markets, individual liberty, and the values necessary for a free society," Bartley "has helped shape the times in which we live." Ours is a better country because Bob Bartley decided to become a journalist and over the last three decades shaped the nation's most important editorial page. We salute a master of the trade. ♦

Let's Help the *New York Times* (cont.)

Thanks to all the readers who have been cc'ing THE SCRAPBOOK on their unpublished letters to the editor of the *New York Times*. Keep them coming (*scrapbook@weeklystandard.com*). We'll be publishing selections in upcoming issues. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Casual

A Thanksgiving Melting Pot

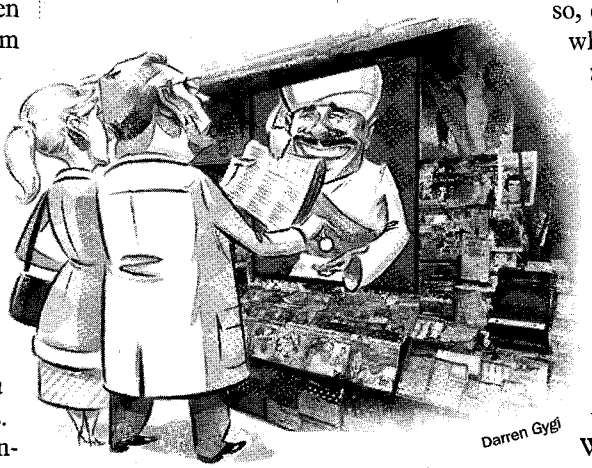
On Thanksgiving Day, my wife and I woke up in a hotel in New York, where we'd come en route to a festive lunch with old friends. A waiter of Middle Eastern origin brought us our breakfast—not a remarkable event by itself. But consider the rest of our day.

As we left the hotel, we stopped at the concierge's desk, presided over by a Chinese gentleman, to arrange some FedEx deliveries. Into the car, driven by a young man newly arrived from Romania, with a stop on Lexington Avenue to pick up the New York and British papers—from one of those tiny shops that sell hundreds of magazines, newspapers from all over the world, batteries, ChapStick, and an infinite variety of lottery tickets. The proprietor, named Mohammed, seems to have converted a space smaller than most American kitchens into a supermarket of everyday necessities. Then, when we found we were running early, we stopped in a food shop cum restaurant for coffee, a shop, it turned out, owned and manned by a group of Hispanics.

On to lunch, presided over by an Australian-born American and his Chinese wife, served by Middle European staff. Then back to the city, where the African-American doorman, the first person we had seen all day who was born in this country, helped us with our packages. A German woman greeted us at the desk.

No policy wonk can let such a day pass without comment. First reaction: Add to all we have to give thanks for the fact that this country retains its ability to accept immigrants who are willing to work, and that such people still see America as a beacon of light and opportunity in a troubled world. To hell with polls that seem to show we are less and less popular around the world: The best and the brightest vote with their feet, and their feet bring them to our shores.

Yes, we also get our share of malingerers and troublemakers. But if we had the political will, we could improve the quality of the intake—so the enemy is us, not them. More important, the newcomers are young, and if we get our assimilation policies right, they and their offspring will keep the average age of our population from soaring, and prevent our Social Security system from collapsing under the weight of a population that superior health care and pharmaceuticals are enabling to live longer than FDR ever dreamed when he put in place the pension system that may be his most enduring legacy—if we have the wit to adapt it to new circumstances.


Darren Gygi

But that's a tale for another day. The relevant reflections on our melting pot Thanksgiving relate to immigration policy. Leave aside the question of keeping out terrorists—a chore that would be greatly simplified and improved if we were willing to admit that an Arab whose passport shows stopovers in Afghanistan and Saudi Arabia is worthier of scrutiny by our stretched-thin security personnel than an 80-year-old Italian nun in a wheelchair. That's merely an intelligent use of probability analysis.

Concentrate instead on sorting out just who should be welcomed here with open arms. Start with the proposition that anyone who cannot or will not work, and therefore needs public assistance, should be turned away or sent home when that circumstance becomes apparent, the sole exception being those demonstrably fleeing persecution. So admit those ready, willing, and able to work—and end their stay if work proves too onerous a requirement for eventual citizenship.

Add only one requirement to work: assimilation. Require that newcomers learn English in a year or so, or be returned to the country whose language is the only one they speak. By all means, let them keep their native customs, so long as these do not impinge on the freedoms of others, or involve hostility to the democratic values of the country in which they seek to prosper. Should they preach hostility, let them receive a prompt and, if possible, polite invitation to move on.

With these minimal conditions, we can provide an open door to the immigrants we need to add to our work force, to add to our tax base, and to add to the richness and color of the American tapestry.

Sure, these are merely broad principles, tinged perhaps with a bit of the romanticism that has always made America exceptional. And sure, these broad principles need fleshing out by legislators attentive to the details that convert fine principles into good legislation, and that protect any rights to which noncitizens might be entitled. But adhere to these principles, enshrine them in law and policy, and we will continue to give thanks for the fact that we live in a country that attracts the young, the vigorous, and the upward questing.

Irwin M. Stelzer

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Fence

Will the Fence calm the region or exacerbate the conflict?

After more than three years of the intifada, Israel has decided to build a protective fence that would separate "Israel proper" from the "West Bank" and protect its citizens from murderous assaults which so far have caused over 1,000 Jewish deaths.

What are the facts?

A nation at war. Israel is at war—a war imposed on it by its mortal enemies. The Arabs are prepared to do anything at all, including their individual or collective self-immolation to attain their murderous ends. During the last three years, during their so-called Al Aksa intifada, scores of young Palestinians have blown themselves up in order to take as many of the hated Jews as possible with them. They have been most "successful" in that grisly endeavor.

Israel has refrained from inflicting serious punishment on its tormentors. Clearly, Israel's military might would enable it to destroy its enemies quickly, but decency and respect for human life keep it from that. Instead, Israel decided to build a protective Fence, the course of which essentially follows the "green line," the armistice line from the 1948 War of Liberation. The only purpose of the Fence is to keep suicide bombers out of "Israel proper" and to seal it off from Judea/Samaria (the "West Bank"). The Fence causes inconvenience and hardship for the Arabs. Before the intifada, up to 200,000 of them went daily to their jobs in Israel. Now, that source of income is cut off. More than 50 per cent of its employable men are out of work and unable to feed their families.

> "The corollary of the wise saying that good fences make good neighbors is that bad neighbors require good fences."

The one person guilty of having brought this suffering, this misery on his people is Yasser Arafat, the president of the so-called "Palestinian Authority." World opinion and even our own government prevent Israel from touching this archvillain and from bringing him to justice.

Some misconceptions. It is not clear why so many are opposed to Israel's protective Fence. The radical left is protesting it in noisy rallies all over the world. Some call it a "wall," bringing up odious images of the wall erected by the Soviet Union to prevent mass flights to the West. But the Israeli Fence is not that. Only less than four miles out of the eighty-three miles that have been built so far actually constitute a wall, rather than a fence. The walled portions were built in areas where sniper incidents have occurred.

Another misconception about the Fence is that it intrudes on "Palestinian land." It is true that the Fence—the portions that are now built and the portions that are still to be built—extends in some localities across the "green line." That is only in order to include that small part of the "West Bank" in which about 75 per cent of Israelis beyond the "green line" now live. Some people are in uproar because they argue that Israel has de facto annexed "Palestinian land." But that is nonsense, of course. There is no "Palestinian land." It is only the constant repetition that makes people believe that the "West Bank" belongs to the "Palestinians." Judea/Samaria (the "West Bank") is part of the Jewish homeland. Any land that Israel might eventually yield to the Arabs to establish some kind of autonomy would be an act of generosity and accommodation unprecedented in world history.

Israel has tremendous expenses for its educational and social needs. No Israeli decision maker would waste money on a fence if the constant atrocity attacks had not made it imperative. If attacks were to stop, the Fence project could be immediately halted. Those who oppose the Fence and refer to it as an "apartheid wall" either do not understand the horror that suicide terrorists inflict on Israel's civilian population or they do not wish Israel well. But if the Arabs would abandon their obsession to obliterate the Jewish state, and once they demonstrated that they truly wished to live in peace with Israel and participate in its prosperity and booming economy, the Fence could be torn down in no time at all. But that happy day seems far away.

What is wrong with a fence? We have a 70-mile-long fence—ultimately to be lengthened to 330 miles—snaking along the Mexican border. Its purpose is not to keep murderous intruders at bay, but to prevent people looking for work from entering our country. How can we then ask the Israelis not to build a fence to protect the lives of their citizens? The Gaza Strip is and has been for years surrounded by such a fence. Not a single suicide attacker has ever been able to cross into Israel from Gaza, while, with devastating "success," hundreds have been able to cross the open border of the "West Bank." And then there was the "good fence" between Lebanon and Israel, which for many years Lebanese workers could daily cross into Israel and earn their livelihood. The corollary of the wise saying that good fences make good neighbors is that bad neighbors require good fences. And surely, the Arab terrorists are the very worst neighbors that could happen to Israel.

This ad has been published and paid for by

FLAME

Facts and Logic About the Middle East
P.O. Box 590359 ■ San Francisco, CA 94159
Gerardo Joffe, President

FLAME is a tax-exempt, non-profit educational 501 (c)(3) organization. Its purpose is the research and publication of the facts regarding developments in the Middle East and exposing false propaganda that might harm the interests of the United States and its allies in that area of the world. Your tax-deductible contributions are welcome. They enable us to pursue these goals and to publish these messages in national newspapers and magazines. We have virtually no overhead. Almost all of our revenue pays for our educational work, for these clarifying messages, and for related direct mail.

To receive free FLAME updates, visit our website: www.factsandlogic.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Marriage Issues

Reading Maggie Gallagher's "Massachusetts vs. Marriage" (Dec. 1), one gets the impression that she has no substantive objection to same-sex marriage other than a visceral dislike of the idea.

For if "the practical and financial benefits of legal marriage are largely a myth," as Gallagher argues, then marriage is disadvantageous to everyone, regardless of sexual orientation. And if she believes that the real benefits of marriage are "the good things that happen when husbands and wives are joined in permanent, public, sexual, emotional, financial, and parenting unions," then it would seem that marriage could be quite appropriate and advantageous for gays, for there is no reason to believe they either cannot or do not want to form unions that are permanent, public, sexual, emotional, financial, and parental. The only difference is that they will be between people of the same sex.

Apparently, to Gallagher, the true difference is that the partners in a gay couple would not reproduce with each other. How else to interpret her claim that marriage "is about getting the people who make the baby to stay around and love each other and the baby too"? But this position seriously misreads the history of marriage, recasting "the millennia-old, cross-cultural" concept of marriage in a contemporary light. As Gallagher should know, voluntary marriage based on a notion of romantic love is a recent innovation in human history, only a few centuries old at best. Marriage throughout most of history and culture has been an arranged institution, a way of insuring that men could bear legitimate male heirs who could lay claim to their father's property, or to bear girls who could, in turn, be married off to other men.

If gays could marry, men and women could still "signal their intentions to each other"; we would still know "who is committing adultery, and who is having a child out of wedlock"; and we would still know "what it means to raise children in a family, to be good husbands and good wives." The difference is that we would instead have to get to know what it means to be a good spouse, irrespective of gender. But perhaps Gallagher is also arguing for stereotypical gender roles. If her real *objection to gay marriage is that gays do* not reproduce in the usual, biological way, then all I can conclude is that her objection is exactly what she says her critics hold it to be: "utterly irrational."

Mark Lowe
Rancho Cucamonga, CA

It's My Party

In "The Governing Party" (Dec. 1), Fred Barnes makes an excellent point about the responsibility of the Republicans to govern like . . . well, Republicans. If Republicans deliver the standard lukewarm dish of soggy policies to the people, they are no better than the Democrats they fought so hard to replace.

Ronald Reagan ran and governed as a conservative. He won reelection on that governing legacy, and helped the elder Bush with that legacy, too. President George W. Bush, as well as the congressional Republicans, should heed Reagan's legacy. Americans will vote Republicans out if this legacy is forgotten.

Peter Byrnes Jr.
Severna Park, MD

Civilian Semantics

In an otherwise superb article, I found myself bristling at Max Boot's description of those killed by the nuclear bombs dropped on Japan as "enemy civilians" ("Japan's Memory Lapses," Dec. 1). This is a dangerous phrase, one I could imagine used by perpetrators of terrorism.

While many of those killed by the nuclear bombs dropped on Hiroshima and Nagasaki may have indeed wished us ill, I am sure most were innocent people going about their daily lives. Labeling them as "enemy," while perhaps technically true, tends to lump together military targets and civilians. This is a distinction we must do all we can to preserve, especially in times such as ours.

Evan Winer
Evanston, IL

A Taxing Problem

I am happy to consider the logic of Irwin M. Stelzer's complaints against the energy bill in "Something for Everyone" (Dec. 1), but what, exactly, does Stelzer have in mind to solve the problems of energy production and regulation?

The only concrete proposal Stelzer puts forward is the imposition of a tax on imported oil. But don't high energy costs slow economic growth?

An alternative proposal is the development of more sources of nuclear energy and clean coal technology. In short, there are plenty of ways that Congress could help the United States solve its energy crisis. But, I think, the high taxes envisioned by Stelzer will only turn off voters.

George P. Christian
Boston, MA

• • •

The Weekly Standard
welcomes letters to the editor.
Letters will be edited for length and clarity and must include the writer's name, address, and phone number.
All letters should be addressed:
Correspondence Editor
The Weekly Standard
1150 17th St., NW, Suite 505
Washington, DC 20036.

You may also fax letters: (202) 293-4901
or email: editor@weeklystandard.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the weekly Standard

The Last Refuge of the Democrats

Democrats routinely complain that President Bush and his political team call them unpatriotic for criticizing Bush on the war in Iraq. Democratic senator John Kerry, a struggling presidential candidate, last week went one step further. Addressing the Council on Foreign Relations, Kerry claimed to know ahead of time how the Bush crowd would react to his speech. "I know what the Bush apologists will say to this—that it is unpatriotic to question, to criticize, and to call for change," Kerry said. "I believe it is the essence of patriotism to hold this nation to a higher standard." Yet there was no such charge from Bush or his allies—no doubt, to Kerry's consternation.

The claim that Democrats are targets of a political low blow by being labeled unpatriotic has become a Democratic refrain. It's been used by Senate minority leader Tom Daschle, Sen. Dick Durbin of Illinois, Sen. Edward Kennedy of Massachusetts, Sen. Bob Graham of Florida, and presidential candidates Dick Gephardt, Wesley Clark, and Howard Dean. Kennedy was upbraided by Republicans in September for claiming Bush had concocted the Iraq war for political gain. His response: "There's no question that this White House sees political advantage in the war. And you can see it in the way they attack the patriotism of those who question them."

But nobody called Kennedy or any other Democrat unpatriotic. Bush didn't. Senate Republicans didn't. House majority leader Tom DeLay denounced Kennedy, but didn't accuse him of a lack of patriotism. In this and every other case in which Democrats claim to have been smeared as unpatriotic, the facts don't bear them out. Bush has never used the words "Democrat" and "unpatriotic" in the same sentence or in nearby sentences. In fact, he's never uttered the word "unpatriotic" in public in any context.

Democrats said he insinuated they were unpatriotic during the congressional debate on a department of homeland security in 2002. But what Bush actually said in a speech was merely that "the Senate" was "more interested in special interests . . . and not interested in the security of the American people." And there was evidence to support the charge. Democrats controlled the Senate at the time, and they voted against Bush's version of the new department 11 times, precisely because it weakened the prerogatives of a Democratic special interest, labor unions.

There is, however, one political figure who's been accused time and again of being unpatriotic: President Bush. The accusers? Democrats. Graham said Bush's Iraq policy is "anti-patriotic at the core, because it's asking only one group of Americans, those soldiers in Iraq and their families, to pay the price of the occupation." Kerry was harsher. In a candidate debate last September, he said Bush "lives out a creed of greed for he and his friends. I'm tired of seeing chief executives be permitted to take their millions or billions to Bermuda and leave the average American here at home stuck with the tax bill. You know what I call that? Unpatriotic." Democratic presidential candidate Al Sharpton complained of Bush, "Real patriots don't put troops in harm's way on a flawed policy." And Dean has questioned the patriotism of Bush's attorney general, John Ashcroft.

But Democrats have convinced themselves they are victims. To shut off dissent from Bush's Iraq policy, they insist, the administration tars dissenters as unpatriotic. When the White House said Durbin had disclosed classified information in a Senate speech, he responded by claiming that anyone who questioned Bush's case for war would be unfairly attacked. "This White House is going to turn to you and attack you," he said. "They are going to question your patriotism." Democrats were incensed by a recent Republican TV ad that says "people are attacking the president for attacking the terrorists." That, said Clark, showed Bush is "trying to strip us of our patriotism."

Democrats are selectively sensitive about TV ads. They remained completely passive when the NAACP aired a commercial in 2000 that accused Bush of killing James Byrd "all over again"—Byrd had been murdered by racist thugs—for refusing to sign a new hate crimes bill. And today they blame Bush for failing to deliver on his promise to "change the tone" in Washington. Yes, the tone needs changing. But it won't change if Democrats keep complaining, in order to discredit Bush, that their patriotism is being questioned—and then also claiming that the president is unpatriotic. They are wrong on both counts.

—Fred Barnes, for the Editors

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

An Intelligent Democrat . . .

on the Senate Intelligence Committee.

BY STEPHEN F. HAYES

A LEADING DEMOCRAT on the Senate Intelligence Committee has reiterated his support for the war in Iraq and encouraged the Bush administration to be more aggressive in its preemptive measures to protect Americans. Evan Bayh, a Democrat from Indiana and a leader of moderates in the Senate, responded to questions last week on the war in Iraq and a memo detailing links between Saddam Hussein and Osama bin Laden sent to the committee in late October by Undersecretary of Defense Douglas J. Feith and later excerpted in these pages.

"Even if there's only a 10 percent chance that Saddam Hussein and Osama bin Laden would cooperate, the question is whether that's an acceptable level of risk," Bayh told me. "My answer to that would be an unequivocal 'no.' We need to be much more pro-active on eliminating threats before they're imminent."

Asked about the growing evidence of a relationship between Iraq and al Qaeda, Bayh said: "The relationship seemed to have its roots in mutual exploitation. Saddam Hussein used terrorism for his own ends, and Osama bin Laden used a nation-state for the things that only a nation-state can provide. Some of the intelligence is strong, and some of it is murky. But that's the nature of intelligence on a relationship like this—lots of it is going to be speculation and conjecture. Following 9/11, we await certainty at our peril."

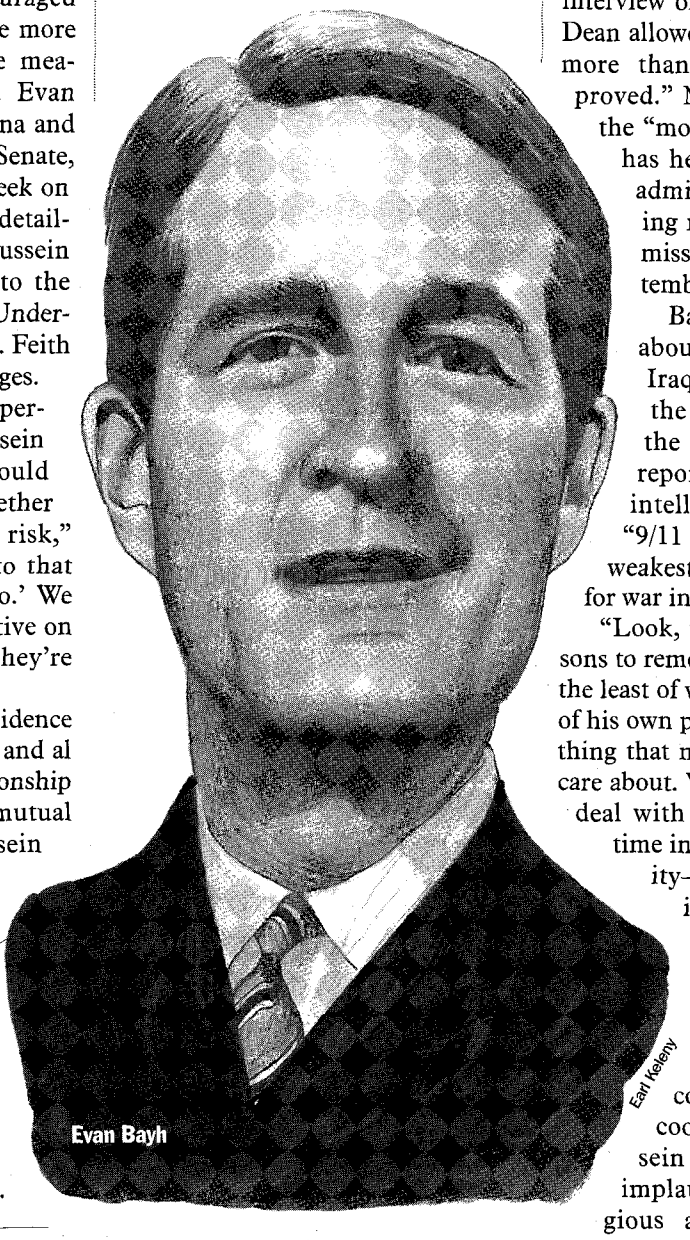
The comments came days before several Democratic presidential candidates intensified their caustic attacks on the Bush administration's foreign and defense policies. Senator John Kerry, in a speech last week to the Council on Foreign Relations, said that "the Bush administration has pursued the most arrogant, inept, reckless, and ideological foreign policy in modern history. . . . The global war on terrorism has actually been set back."

Democratic frontrunner Howard Dean went further, even giving credence to a conspiracy theory that Bush was forewarned of the September 11 attacks by the Saudis. In an interview on National Public Radio, Dean allowed that this was "nothing more than a theory, it can't be proved." Nonetheless, he called it the "most interesting theory" he has heard as to why the Bush administration isn't cooperating more fully with the commission looking into the September 11 attacks.

Bayh declined to speak about any of the 50 specific Iraq-al Qaeda links cited in the Feith memo, and said the intelligence community reported before the war that intelligence on the links to "9/11 and al Qaeda" was the weakest part of the justification for war in Iraq.

"Look, there were multiple reasons to remove Saddam Hussein, not the least of which was his butchering of his own people—that's the kind of thing that most progressives used to care about. We were going to have to deal with him militarily at some time in the future. The possibility—even if people thought it unlikely—that he would use weapons of mass death or provide them to terrorists was just too great a risk."

Still, Bayh rejects the conventional wisdom that cooperation between Hussein and bin Laden was implausible because of religious and ideological differences. "They were certainly moving toward the philosophy that 'the



Evan Bayh

Earl Keleny

Stephen F. Hayes is a staff writer at THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

enemy of my enemy is my friend.' Both were hostile to us, and while they historically had reasons not to like each other, that historical skepticism is overridden by the enmity and mutual hostility toward us. These are not illogical ties from their perspective."

Bayh has long been concerned about overlap of rogue or collapsed states and international terrorists—a nexus that he says remains "the biggest risk" to the United States. Indeed, it was Bayh's question about links between Saddam Hussein and al Qaeda that prompted CIA Director George Tenet last October to declassify some reporting on the relationship in an October 7, 2002, letter to the Senate Intelligence Committee:

Our understanding of the relationship between Iraq and al Qaeda is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

—We have solid reporting of senior level contacts between Iraq and al Qaeda going back a decade.

—Credible information indicates that Iraq and al Qaeda have discussed safe haven and reciprocal nonaggression.

—Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al Qaeda members, including some that have been in Baghdad.

—We have credible reporting that al Qaeda leaders sought contacts in Iraq who could help them acquire W.M.D. capabilities. The reporting also stated that Iraq has provided training to al Qaeda members in the areas of poisons and gases and making conventional bombs.

—Iraq's increasing support to extremist Palestinians coupled with growing indications of a relationship with al Qaeda suggest that Baghdad's links to terrorists will increase, even absent U.S. military action.

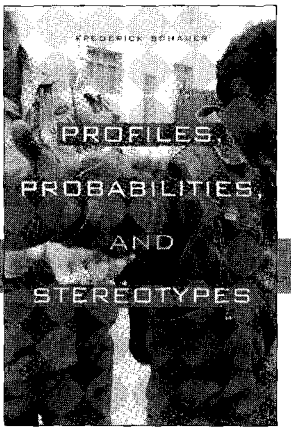
The intelligence committee's review of prewar intelligence may soon be finished—at least at the staff level. "The staff hopes to have it done by the end of the year," says Senator Christopher Bond of Missouri, a Republican member of the committee. "When the members chew it over and spit it out is unclear."

Relationships between Democrats and Republicans on the committee have been strained since the disclosure in early November of a political memo drafted by Democratic staffers for Vice Chairman Jay Rockefeller, the West Virginia Democrat. The memo suggested ways in which the Democrats could extract partisan advantage from the ongoing review. Saxby Chambliss, a Republican from Georgia who sits on the committee, says several of his Democratic colleagues have since "stepped forward privately" to express concern about the memo and politicization of the intelligence oversight process. "I regret that Jay hasn't done that publicly."

Says Chambliss: "The Democratic memo took a shot at the chairman [Senator Pat Roberts, a Kansas Republican] and took a shot at undermining the intelligence on Iraq. . . . The memo to me did not sound like Jay [Rockefeller]. I've always suspected that the Democratic leadership put lots of pressure on him to politicize this process."

Bayh, for his part, hopes that the intelligence community will look carefully at reporting on the relationship between Iraq and al Qaeda. Bush administration officials have argued that such a review is appropriate, but should wait until after fighting in Iraq has subsided. "The reason [a review] is important is the guidance it gives us prospectively," says Bayh. "I understand the administration's position, but to retrospectively look at these connections gives us that guidance and I think that's a very useful undertaking."

"There's obviously a lot of smoke," says Bayh. "The real question is how much fire was there. The best case—it certainly looks as if there were many contacts, some kind of relationship there. I guess the best answer is that this is a developing story and we'll know more soon." ♦



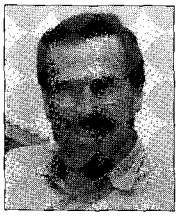
PROFILES, PROBABILITIES, AND STEREOTYPES

FREDERICK SCHAUER

"With admirable clarity and fair-mindedness, Frederick Schauer tackles timely issues of racial profiling, minimum voting and drinking ages, mandatory retirement, military exclusions based on gender and sexual orientation, and sentencing guidelines. He demonstrates that nothing less than social justice and stability is at stake in our ability to distinguish between different kinds of legal generalities. *Profiles, Probabilities, and Stereotypes* is full of intriguing examples and illuminating arguments." —Amy Gutmann

"This book is a joy to read. Schauer makes an important argument with real brio, and uses wonderful examples. The book is a ringing and, I believe, wholly successful attack on those who are suspicious of generalizations and who therefore call for ever-greater 'individualized,' highly contextual decision-making." —Sandford Levinson

Belknap Press / new in cloth



800.405.1619 HARVARD UNIVERSITY PRESS WWW.HUP.HARVARD.EDU

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Flacks and Hacks in Baghdad

What it's like to report from Iraq.

BY NOAH D. OPPENHEIM

BAGHDAD IS A GIFT to the cynical. The Coalition Provisional Authority (CPA) has erected miles of concrete blast barriers along major roads. Every entrance to the "Green Zone" is barricaded behind sandbags, razor wire, and at least one parked tank. Checkpoints, fortifications, large guns—the trappings of occupation are unavoidably ugly, and, in Iraq, little has been done to beautify them. It is no wonder then that so many reporters, finding their worst suspicions confirmed during the ride from the airport, never see past the cement walls.

Four weeks ago, MSNBC's *Hardball with Chris Matthews* asked me to go to Baghdad in search of the story most of the mainstream media were missing. The network's vice president knew I was a supporter of the war, and suggested I find out if things had really gone as horribly wrong as the evening newscasts and major print dailies reported. What I found is that, in Iraq, the mounting body count is heartbreaking, but the failure of American journalism is tragic.

First, some popular illusions that need to be dispelled: Most correspondents for newscasts do very little, if any, actual reporting. They assemble the visual elements of a jigsaw puzzle whose shape is dictated by an unholy deity—"the wires." Every day, the Associated Press and Reuters offer an account of the major events in Iraq. If a bomb has exploded or an American soldier has been killed, that is the day's major event. Barring that, an alarming comment from an American official, like Ambassador Paul Bremer or General Ricardo Sanchez, will suffice.

Once the wires have dictated the day's headline, television correspondents sometimes venture into the field. However, the purpose of leaving their fortress hotels is rarely to collect information. True, sometimes they'll elicit a soundbite that fits their preconceived notion of the day's narrative. More often than not, they simply need a scenic backdrop in front of which to recite their lines. Even this is optional. I have watched correspondents "report" stories having never actually left the bureau.

Which is not to suggest these correspondents are lazy. This is simply the way it's done. The wire services now all have television divisions that provide video, in addition to copy, to all subscribers. Why send a correspondent and crew to a dangerous place if the pictures have already been recorded and the facts already written down?

The consequence of this system is that, on television, the story in Iraq is no more than the sum of basic facts, like casualties, crashes, and official pronouncements. Such things are important and should be reported. Unfortunately, when you add to the mix time constraints and the herd instinct—the general reluctance to depart from the story line common to all the major media on a given day—little else makes it on the air.

Beyond this structural failure, there is a problem of attitude. Along with freedom, America has brought to Iraq the notorious Red State-Blue State divide. Most journalists are Blue State people in outlook, and most of those administering the occupation are Red. Many of those who work for the Coalition, including civilians, carry guns. This either amuses journalists or makes them uncomfortable. Most of those who work for the Coalition are deeply invested, emotionally, in the success of America's enterprise in Iraq. (How else to explain why someone leaves an apartment in Arlington to live in a trailer in Baghdad and endure mortar attacks?) Most journalists did not support this war to begin with, and feel vindicated whenever the effort stumbles.

Journalists will point out that they, too, are braving significant risks and discomfort to do their jobs. This is true, but would carry more weight if it seemed they were doing their jobs well. Instead, their sense of peril fuels a certain self-aggrandizement and sometimes a selfish myopia.

I recall a conversation with a talented writer for a major American newspaper. I had recounted the productive and impressive time I'd spent with the 101st Air Assault Division and expressed my admiration for their public affairs officer, Major Trey Cate. This writer said that he loathed Major Cate, indeed, hated him beyond words. Why? First, he accused the major of being a bully and a liar.

Then the writer explained that his translator had recently been killed in Mosul, the 101st's area of responsibility, in an act of Iraqi-Iraqi violence. The writer had called Major Cate to ask him what the U.S. military was doing to investigate the death of his translator. Cate responded that he was unaware of the incident. This was a reasonable response given that in many parts of Mosul, the Iraqi police are now handling criminal investigations. According to this American journalist, however, Cate's reply was unconscionable and indicative of the military's general indifference to the welfare of Iraqis.

The reporter had lost a friend. His concern and his rage were genuine and understandable. But he allowed a personal trauma, a consequence of

Noah D. Oppenheim is an executive producer for MSNBC.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

working in a difficult place, to color his perception of an entire U.S. Army Division doing largely good work.

To be fair, the CPA is not likely to win any awards in the field of public relations. I arrived in Baghdad explicitly sympathetic to its message. And I found its press officers friendly and easy to deal with. But there are only so many schools and police stations you can visit before you almost start wishing for a bang. The CPA is understandably proud of Iraq's rebuilt infrastructure. The water I saw gushing through new irrigation ditches throughout the Sunni triangle roars accomplishment. But the Coalition must be smarter about understanding the needs of journalists, especially television journalists. By itself, freshly painted stucco does not a compelling picture make. Happily, the CPA has an extraordinary resource on its hands that fits journalists' needs, if only the American media would wake up to the obvious—the brave men and women rebuilding Iraq.

Characters are the backbone of any good story, and the Americans working in Iraq are the finest I have ever met. People like Col. Nate Slate, a man trained his entire life to fire artillery, now doing a miraculous job rebuilding the town of Taji. People like Tom Foley, a multimillionaire financier, now walking the lines at Iraqi shoe factories, helping get an economy off the ground. People like Col. Joe Anderson, who despite the price on his head, patrols Mosul on foot so he can personally reassure shopkeepers and community leaders that America won't cut and run.

The story of America's presence in Iraq is the story of ordinary people, with the best of intentions, working ungodly hours, in unpleasant places, with no public acclaim. Their quiet work will never make AP headlines—indeed, it too seldom makes the wires at all—yet they are winning victories nonetheless.

The best metaphor I've heard about Iraq is that the country is like a child, and the American press is its parent. When you're around a child every day, you don't notice how dramatically he's growing and maturing. But a more distant relative who sees the child only once a year is astounded by how much taller he keeps getting. Iraq is getting taller and healthier every day, but those responsible for documenting the growth are not noticing—or if they are, they're not telling the people back home. ♦

Recent events in Europe...

Statements in the Islamic world...

The controversy surrounding an upcoming Hollywood movie...

Antisemitism is a matter of increasing concern.

Two programs explore antisemitism in the context of Holocaust history and its troubling resurgence today.

HOW DEEP ARE THE ROOTS?

ANTISEMITISM, THE HOLOCAUST, AND NOW

THURSDAY, DECEMBER 18

7–8:30 p.m. Roundtable Discussion

Prof. Robert P. Ericksen, *Pacific Lutheran University*
Fr. John T. Pawlikowski, *Catholic Theological Union*
Prof. Aron Rodrigue, *Stanford University*
Margaret Obrecht, moderator

2–4 p.m. Panel Presentation
German Churches, Antisemitism, and the Holocaust

With recognized experts William I. Brustein, Victoria Barnett, and Kevin Spicer

Admission is free.
Please reserve seating in advance by calling 202.488.6162. For details, see Calendar at www.ushmm.org/research/center/.

These programs are made possible by the Hoffberger Family Fund and the Chrysler Corporation Fund.

100 Raoul Wallenberg Place, SW, Washington, DC 20024-2126
Metro: Smithsonian • www.ushmm.org

HONORING 10 YEARS

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wahhabis at the Gate

What are the Saudis up to in the Balkans?

BY STEPHEN SCHWARTZ

Skopje, Macedonia

THE MUSLIM HOLY MONTH of Ramadan came and went in the Balkans without serious incident. Nevertheless, the ancient town of Skopje, war-weary and impoverished after local fighting between Albanians and Slavs in 2001, buzzed with rumors of terrorist conspiracies. In a mild, foggy late-autumn, under a skyline dominated by impressive Ottoman mosques, residents spoke anxiously of the recent suicide bombings in Istanbul and of "special measures" against possible attacks on U.S. and other foreign personnel in Kosovo, Albania, and Macedonia.

Stephen Schwartz is the author of The Two Faces of Islam: The House of Sa'ud from Tradition to Terror.

It is said that Islam has "bloody borders," but in the Balkans the border dwellers are exhausted. Too much blood has already been wasted, and there is no appetite for more.

Among the ethnic Albanian Muslims—especially in western Macedonian regions where they and their Christian fellow-Albanians continue agitating for the right to education in the Albanian language—there is much discussion of infiltration by Saudi-funded agents of the Wahhabi sect. Riyadh continues to send Wahhabi missionaries, in their characteristic beards and archaic Arab outfits, to seek control over Balkan Muslims. And the missionaries continue to fail.

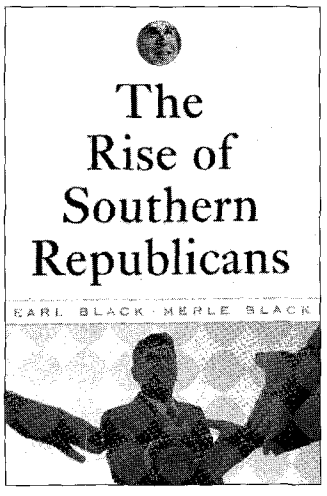
Arben Xhaferi (pronounced Jaferi), leader of the Albanian Democratic party, is considered both the main Albanian patriotic leader in Macedonia and the region's outstanding critic of Wahhabi influence. He spoke with me at his office in Tetovo, in the heart of the ethnic Albanian majority area. The building displayed the trademark sign of recent war in the Balkans: bottles of water for sanitary purposes in the toilet, since the plumbing still has not been restored.

"We cannot accept the endless agitation presenting democracy as opposed to Islam," Xhaferi said. "Albanian Islam faces an immense threat from fundamentalism. We are traditional in our Islam, which for us means pluralism, respect for the other religions represented among us, and repudiation of Arabization. Fundamentalist Islamists preach that there is only one Islam, represented by them, just as Hitler said there could be only one nation under one Führer."

"It is absurd that Wahhabis should come here and demand, in the name of Islam, that we live and dress like them," Xhaferi said. "Albanians will not allow foreigners of any kind to tell us our customs must be abandoned and our behavior determined by Islamic totalitarians. We have our own history, our own culture, and our own Albanian model of Islam, based on interfaith respect and the understanding that religion is private. They will not destroy us."

Xhaferi has paid for his forthright criticism of Islamist extremism, as have others who support him, such as the Skopje newspaper

~new in paperback



The Rise of Southern Republicans

EARL BLACK & MERLE BLACK

WASHINGTON MONTHLY'S 2002 ANNUAL POLITICAL BOOK AWARD WINNER

"In *The Rise of Southern Republicans* brothers Earl and Merle Black explain the partisan realignment that has brought the South into the national political mainstream. The Blacks...focus most of their attention on the congressional arena, where voting patterns reflect long-term partisan loyalty more closely than at the presidential level...The story they tell is a fascinating one, with implications for American politics that are both profound and uncertain."
—David Lowe, WEEKLY STANDARD

Belknap Press / paperback

800.405.1619 HARVARD UNIVERSITY PRESS WWW.HUP.HARVARD.EDU

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

publisher Emin Azemi, whose Albanian-language daily *Fakti* (The Facts) is among the most professional in the region. Azemi took a strong stand in support of the U.S. liberation of Iraq—*Fakti* editorialized, "The defeat of Saddam Hussein will be a victory for all humanity." It has also published Xhaferi's anti-Wahhabi polemics.

With Saudi subversives still fanning out in the Balkans, it comes as no surprise that Xhaferi and Azemi's activist stance has earned them anonymous threats. But since the Wahhabis, notwithstanding their hatred of everything modern, use cell phones, Azemi was able to reply to their harassment by printing their telephone numbers in his paper and calling on readers to communicate their opinions to the Wahhabis. And public condemnation of them was extensive.

More startling, however, is the coolness of Western diplomatic and foreign media authorities in Macedonia to efforts to isolate and oppose aggressive Islamism. Azemi and his newspaper are under permanent suspicion for their Albanian patriotism, which is seen as a threat to regional stability—even though Macedonian Slav journalists praised *Fakti* during the 2001 communal fighting for consistently advocating a cease-fire.

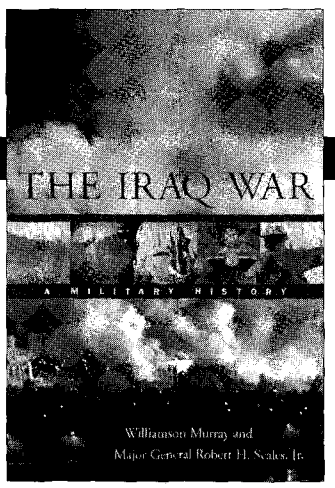
Lately, a group called the International Journalists Network even called on foreign donors to the cause of "media development," including a U.S. group, IREX Pro-Media, to establish an Albanian daily that would provide an alternative to the "hardline" *Fakti*. But for all its considerable problems, Macedonia has general media freedom, and such interference by foreigners is neither necessary nor just.

Wahhabi propagandists seek to cast every conflict as religious. They lump together all the grievances of Macedonia's Albanians as a campaign of self-defense by "the Muslims"—leaving out of the picture the 15 percent of Macedonian Albanians who are Christian, yet seek recognition of their linguistic rights with no less enthusiasm than the Muslims.

For example, a polemic on the Wahhabi website *Islamonline*, titled "Macedonian Spark Can Incinerate the Region," by Omer bin Abdullah, comments disingenuously, "The Muslims argue that the Albanian language should be the second official language in the country." In reality, it is not the Muslims, but the Albanians who argue this. Non-Albanian Muslims in Macedonia—Turkish, Bosnian, and Slav—have failed to support the Albanians, and the portrayal of Albanian struggles as based on religion is false. These smaller Muslim minorities have historically felt dependent on the Slav Macedonian authorities.

The topic of Wahhabism keeps many Albanian young people preoccupied. With unemployment high, facing an uncertain future and probable discrimination, Albanians do not want to be saddled with a reputation for Islamic extremism. And they are clear on where the truth lies. Students at the European- and U.S.-subsidized Southeast European University of Tetovo expressed disgust with reactionary Saudism, including its primitive repression of women.

Traveling through Macedonia after Ramadan, I encountered distaste for Islamism on all sides—from elderly Albanian men sporting fierce mustaches and speaking of their village laws no less than from fashionably dressed young women who said Saudi Arabia must cease to be the only country in the world that forbids women to drive. I came away struck by the fact that these European Muslims, living in a remote and disregarded country, understand the truth about the Saudi/Wahhabi threat to the Islamic world, and to the world at large—even as many in capitals like Washington continue to deny it. ♦



THE IRAQ WAR
A MILITARY HISTORY

WILLIAMSON MURRAY AND
MAJOR GENERAL ROBERT H. SCALES, JR.

"Williamson Murray and Robert H. Scales are serious military historians [and] have a knack for integrating tactical vignettes into their operational narrative that adds greatly to the work...Details like these give the reader a bit of the taste and smell of the fighting. More important, [they] use them adroitly to highlight factors that shaped the thinking of American military commanders at key stages and to point out critical lessons about the conduct of modern war...What emerges from their book is a far more comprehensive view of a far more complicated war than the vast majority of readers may have gleaned from the snapshots provided by the news media during the 23 days of major combat operations."
—Kenneth M. Pollack, NEW YORK TIMES BOOK REVIEW

Belknap Press / new in cloth

800.405.1619 HARVARD UNIVERSITY PRESS WWW.HUP.HARVARD.EDU

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

RFE, RIP

Radio Free Europe: mission accomplished.

BY ARCH PUDDINGTON

ON NOVEMBER 28, the Broadcasting Board of Governors announced a decision that effectively closes down Radio Free Europe. The board eliminated practically all of the historic RFE broadcast services, leaving only a South Slavic service that was added after the end of the Cold War, during the later stages of the Yugoslav conflict.

Radio Free Europe was arguably America's most successful venture in what has come to be known as public diplomacy. RFE went on the air in 1950, beaming a pro-democracy, anti-Communist message (first from a transmitter near Frankfurt, later from Munich) to five Soviet satellite states: Poland, Czechoslovakia, Hungary, Romania, and Bulgaria. The station was covertly funded by the Central Intelligence Agency, as was America's other "freedom radio," Radio Liberty, which broadcast a similar message to the Soviet Union in both Russian and the languages of the non-Russian peoples.

The decision to eliminate the European language services was driven by budget constraints, the development of an independent media (though with varying degrees of professionalism) in these countries, and geopolitics. Broadcasts to the countries that were historically the province of Radio Liberty—Russia, Ukraine, Belarus, the Caucasus and Central Asia states—will continue, as will broadcasts to Iran, Iraq, and Afghanistan. The name by which the freedom radios are now known, Radio Free Europe/Radio Liberty, will remain for the time being. Still, it is the end of an era.

There were, of course, other international broadcasting services that could be heard across the Iron Curtain. The distinguishing feature of RFE was that it was neither an official government mouthpiece, like the Voice of America, nor a forum for neutral reporting, like the BBC. Instead, each language service functioned much like the press of a democratic opposition movement. Radio Free Europe focused on the travails of agricultural collectivization, the persecution of religion, the suppression of culture, party purges—in other words, the whole range of inhumane and irrational acts that defined communism.

Soon enough, Radio Free Europe boasted a huge audience throughout the satellite bloc. Poles regarded RFE with reverence; the station played an important role in bringing down at least three party leaders and was instrumental in sustaining the Solidarity trade union when it was forced underground by martial law. During Nicolae Ceausescu's time, RFE was Romania's most popular source of news. Ceausescu responded with fury; he dispatched hit squads to assassinate RFE journalists and hired the international terrorist Carlos the Jackal to bomb the station's Munich headquarters. The émigré writer Georgi Markov was murdered in 1978 in the infamous umbrella assassination, on direct orders of Bulgaria's party chief, Todor Zhivkov, because of broadcasts over RFE by Markov that touched on Zhivkov's personal life. (The assassin used an umbrella to inject poisonous ricin into Markov's leg while he was standing at a London bus stop.)

It was not just Communist strongmen who were hostile to RFE. In the early 1970s, Senator J.W. Fulbright led a coalition of isolationists in a campaign to kill off both Radio Free Europe and Radio Liberty. The United States, the Arkansas Democrat argued, should jettison these "relics of the Cold War" and accept that domination by Moscow was Eastern Europe's destiny. But other liberal Democrats rallied to the stations' cause, and Fulbright was rebuffed. At the same time, the administration of RFE/RL was transferred from the CIA to an independent agency, and their future for the duration of the struggle with the Soviets was secured. When communism collapsed and the exiled RFE journalists visited their native lands—some for the first time in 40 years—they were greeted as conquering heroes of a revolution that had prevailed almost without bloodshed.

The passing of Radio Free Europe provides an opportunity to reflect on a related matter of some urgency: America's seeming inability to make its case for freedom to the Arab world. The Bush administration's post-9/11 public diplomacy has been notable for its confusion and lurches in strategy. True, the challenge of penetrating the fog of misinformation and conspiracy-mongering that pervades Arab discourse is daunting. But so, too, was the assignment of reaching the Soviet-dominated people, shut off from the outside world by a system whose very existence depended on rigid isolation. Radio Free Europe was uniquely successful at breaking through the information blockade to present an argument for democracy. Its legacy includes a model of speaking to people in closed societies that remains relevant today.

There are obvious differences to take into account. The Arab masses are prone to suspicion towards American ideas and political leaders. Radio Free Europe, by contrast, had access to a captive audience of subjugated people who admired American

Arch Puddington is director of research at Freedom House and the author of Broadcasting Freedom: The Cold War Triumph of Radio Free Europe and Radio Liberty. *He is completing a biography of the trade union leader Lane Kirkland.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

freedoms and respected American leaders. No matter how much their bogus state media lied about the United States and other democracies, no one in what is now known as New Europe would have believed that the events of 9/11 were orchestrated by the Bush administration, to take just one example of the paranoid fantasies rampant in the Middle East.

Still, there are plenty of applicable lessons to be learned. Radio Free Europe benefited immeasurably from its relative independence from the U.S. government and Congress. In its early years, the CIA shielded the station from the depredations of Joseph McCarthy and other anti-Communist primitives. (The Voice of America, on the other hand, was nearly destroyed by McCarthy and Roy Cohn.) Later, a quasi-independent agency was established to serve as a firewall between RFE/RL and Congress.

This semi-autonomous status enabled RFE to develop strategies that at times clashed with the objectives of American diplomacy. For example, throughout the Cold War, the American government opposed the breakup of the Soviet Union. Yet RFE's broadcasts to the Baltic peoples had the conscious objective of encouraging the idea of freedom and national sovereignty by stressing the uniqueness of Baltic culture and reminding listeners of the many crimes committed against their countrymen by the Russians. In the end, of course, the demand for independence by the Balts and other non-Russian nationalities was the crucial element behind the disintegration of the Soviet empire.

Radio Free Europe derived much of its credibility from the popularity of its commentators: men who, had they lived in normal societies, would have been the editors, columnists, and news anchors of a free press. When Ceausescu dispatched his thugs to kill or maim RFE journalists, he chose as his targets those who were the most beloved by the Romanian people. Each of RFE's services could place before the microphone commentators who had the rare ability to give quiet inspiration to oppressed people without polemics, pontification, or condescension.

Radio Free Europe kept its audience informed about the fate of cultural icons whose works were banned or who had been forced into exile. When Karol Wojtyla was named Pope John Paul II, RFE immediately opened a bureau in Rome to provide regular coverage of the determinedly anti-Communist pontiff to his devoted followers in Poland.

Although everyone understood that RFE was an American project, it consciously cultivated the image of a European radio station. Its broadcasts did not emphasize American popular culture, and when it pointed to examples of Free World achievement, it cited countries like West Germany and Austria—Central European societies that had attained both freedom and prosperity.

From the outset RFE had an intelligently strategic approach to the question of whether to target the masses or the elites. In its early years, RFE broadcasts deliberately tried to reach the East European masses through harsh condemnations of Communist leaders and personalized attacks on individual Communists, even to the point of denouncing by name a Hungarian factory manager who demanded sexual favors from women workers. Eventually, the station's message evolved: It was accessible to a mass audience (a legendary Hungarian broadcaster introduced rock music to his country's youth) while concentrating on comprehensive coverage of political developments. The core audience included, naturally enough, the democratic opposition (RFE ignored opposition groups that advocated violence), but also included members of the governing apparatus, military officers, and high party officials who understood that the day of reckoning with the people would eventually come.

Finally, Radio Free Europe fought the good fight over the long haul; it did not engage in the Cold War competition with the expectation of instant success. If its leaders did not understand the nature of the struggle in 1950, they soon grasped that the peaceful triumph of freedom—and the very existence of RFE assumed that the Cold War would be won through the battle of ideas—would require faith in the superiority of the West's democratic values and a great deal of patience. Patience included spurning the demands of ultra-hawks for broadcasts that would encourage East Europeans to take to the barricades. It also meant rejecting the arguments of neutralists and détentists, who contended that, given communism's apparent stability, RFE's services were no longer useful. RFE's quiet conviction that the defeat of the world's most durable totalitarian system was worth the protracted fight is perhaps its most important lesson in an era in which patience and long-range commitment are in dangerously short supply.

The countries of the Middle East are more open and freewheeling than were the Communist regimes that RFE spoke to. But these societies retain many features in common with the Soviet bloc states: unelected, remote, and corrupt leaders; an unreliable press; political movements driven by totalitarian ideologies; economic policies that preclude prosperity; the repression of dissenting voices; and political forces that decry democracy as a Western imposition.

Radio Free Europe can rest in peace, having made a noble contribution to one of history's great freedom struggles. But those who are now engaged in the campaign against the newest enemies of liberty should heed its example and, rather than merely espouse American values, give the Arab world a vision of what their own, unique free societies could be. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Defense (sort of) of Trial Lawyers

Their excesses are well known, their virtues less so

By William Tucker

Mark Bocci is a personal injury lawyer in Lake Oswego, Oregon. In the 1980s, he took the case of a Filipino-American high school student who had suffered a grievous injury playing football. Kneed in the head by an all-state fullback, "Richard" suffered headaches and dizziness for two days, then collapsed with massive brain injuries. The doctor who saved his life said, "I'm not sure I did him a favor." Richard had very few motor skills left and required 24-hour care.

Bocci decided to pursue a product liability case against the manufacturer of the helmet. This was a risky approach, since all football helmets go through an impact- testing process before being marketed. The helmet in question had passed the test. With such a sanction at hand, manufacturers are usually able to defend themselves.

Sifting through 20,000 pages of discovery documents, Bocci found nothing incriminating. After an exhaustive search, however, he did uncover two other deaths and several cases of brain injury involving the same helmet. It turned out the manufacturer had quietly settled these cases to avoid publicity. The company also offered to settle with Richard's family now.

But Bocci's concern had been aroused. Pushing further, he finally turned up the former CEO of a rival manufacturer who had a story to tell. The CEO explained that the helmet in question was fitted with a "front in-sizer" to adjust for head size. This accessory came in two different sizes. One had passed the impact tests but the other—a one-inch in-sizer—had failed. Richard had been wearing a one-inch sizer.

By the time the case came to trial, Bocci and his partner, Jim Pippin, had invested six years and $350,000 of their own money in the case. "My wife and I had just bought our dream house," says Bocci. "Then we realized we couldn't keep it. One night we sat down with our two teenage daughters at the dinner table and told them we had a choice—either we could stay where we lived or sell the house for Richard's sake. I'll be eternally proud of them that they didn't hesitate a moment. We moved."

Three years later, an appeals court finally approved the $11.2 million verdict Bocci won before a jury. The company immediately withdrew the helmet from the market. "We believe we prevented numerous other injuries," says Bocci, who this year was inducted into the Inner Circle of Advocates, the exclusive society of the nation's top 100 trial lawyers. "Richard is making tremendous progress," he adds. "He's got a 300-word vocabulary and is completely ambulatory. Full-time therapy has been a tremendous help."

Trial lawyers over the last couple of decades have become the mainstay of the Democratic party and the nemesis of the Republicans. A few years ago, Senator Howell Heflin, the Alabama Democrat, announced memorably that "Jews, labor unions, and trial lawyers" were the financial pillars of his party. Trial lawyers certainly have the wherewithal to make major donations. The Manhattan Institute has just issued a condemnation of the plaintiff bar titled *Trial Lawyers, Inc.* The profession rakes in "almost $40 billion per year in revenues—50 percent more than Microsoft or Intel and twice those of Coca-Cola," trumpets the study. "[It] might well be the most profitable business in the world."

The ideological lines of demarcation are only becoming more entrenched. President Bush's attempt to curb medical malpractice and class action lawsuits have just failed to muster the 60 votes necessary for cloture in the Senate. Congress's effort to put a limit on asbestos dam-

William Tucker is a fellow with the Discovery Institute, which supported this investigation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ages also collapsed. With Senator John Edwards running a dark-horse campaign for president almost completely financed by his fellow trial lawyers, the plaintiffs' bar is gearing for Armageddon. "If Bush gets elected with big majorities in Congress," Edwards told the Inner Circle last summer, "you'll get tort reform like you've never seen before."

Yet behind this make-or-break political posturing, there are odd cultural crosscurrents. Although they have obvious Populist roots, trial lawyers in many ways fit the contemporary Republican ideal.

First, trial lawyers are self-made men (and they are nearly all men). With eerie predictability, they rise from humble beginnings and blue-collar backgrounds in the central portions of the country. Philip Corboy, the Chicago-based dean of personal injury lawyers, is the son of a Chicago police officer. John O'Quinn, the Houston billionaire who pioneered breast-implant litigation, is the son of an auto mechanic and himself trained at GM's Mister Goodwrench school before deciding to attend college. Ron Motley, the South Carolina lawyer who directed the 1998 tobacco litigation, is the son of a gas station owner. Mark Bocci's parents owned a grocery store. John Edwards's father—as he repeats constantly in his campaign—worked in a South Carolina cotton mill.

Often the first of their families to attend college, plaintiff lawyers are universally scornful of the Ivy League and other East Coast centers of privilege. Joe Jamail, the foul-mouthed Houston lawyer who won the $11 billion Texaco-Pennzoil case, nearly flunked out of law school at the University of Texas and displays a savage animosity towards New York lawyers. John O'Quinn still smarts because Democrats overlooked him in favor of New York über-advocate David Boies in arguing the 2000 Florida recount. "If I'd been representing them, Al Gore would be president right now," he says with finality.

Third, the new trial lawyers have rebelled against the staid old privilege-laden profession of law by openly becoming businessmen. "We're the first generation to approach the law from an entrepreneurial perspective," says Wayne Reaud, who made a billion on the Texas Gulf Coast suing oil companies for asbestos exposure. "It used to be that a lawyer would win one big case and then buy a thousand acres in West Texas and watch his cows grow," says Reaud, whose father was a pipe fitter. "We were the first to put our winnings back into the next case. That made it possible to do a lot of things that hadn't been done before."

Finally, the most successful trial lawyers are generally socially conservative. Jere Beasley, the Alabama attorney who won $675 million from Monsanto for PCB contamination in Anniston, supports Alabama chief justice Roy Moore's efforts to display his Ten Commandments statue in the courthouse. "I think his beliefs are sincere," he says. Wayne Reaud displays a large crucifix on the wall behind his desk in his Beaumont office. Mark Bocci originally wanted to be a priest. Talk to any one of them long enough and they will tell you they feel a religious calling to their profession. "I'm basically a preacher," says O'Quinn, who often strikes an evangelistic tone in front of juries. "I'm like a man preaching about Christ who really believes in Christ. I happen to believe in it myself but that's not the point of our discussion. Go ask Rev. Ed Young, who has a parish of 25,000 here in Houston. He'll tell you I'm doing exactly what God wants me to be doing."

Granted this all smacks of religiosity—the same kind that prompts baseball players to point to the sky after they hit a home run. But it is a religiosity that is utterly American—and particularly prevalent in the states where the Republican party now draws its strength.

So what is it that places the trial lawyers so irrevocably in the Democratic party, and makes them generally regard Republicans as the scum of the earth?

The single dividing issue is the trial lawyers' view of corporate America. To trial lawyers, corporations are the incarnation of evil, sinister megaliths directed by amoral men who use their monstrous power to get away with enormous crimes. This is a rebirth of early 20th-century Populism, but with a twist. The Populists never dragged corporate America before the civil bar, stripping them of billions in the process.

"What kind of country are we living in?" asks John O'Quinn, his voice rising with the emotion that has swayed many a jury. "Was Lincoln just a *fool* when he said this is a country of, by, and for the people? Or did he say something that we can really *believe* in, that little children can *recite* with *pride* in school? No! This is a country *of* the corporations, *by* the corporations, and *for* the filthy rich corporations. A corporation can be a *criminal*—an *absolute criminal*—and nobody can do a damned thing about it!"

Part of this rant is for show. But trial lawyers also encounter corporate America in a way that few other individuals ever do—through its legal departments. Corporate defense attorneys commonly pursue the strategy of wearing down opponents, filing motion after motion, and challenging every single aspect of a case before anything ever gets to trial. They pursue General Patton's tactic of making the enemy spend all his resources before we spend all of ours. (Cynics argue that corporate defense attorneys prefer this strategy because they are being paid by the hour.) Through most of the history of product lia-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bility and other tort cases, the plaintiff bar has been completely outgunned by corporate treasuries.

Now that has changed. What the trial lawyer juggernaut has achieved is a kind of parity. They are now able to match corporate giants through long litigation. "The tobacco companies had never lost a case, partly because they were experts at making plaintiffs spend all their money," says Reaud, who was on the Texas team in the 46-state litigation. "We put in $12.5 million from this state when the initial litigation bogged down in Mississippi and Florida. Then there were several more 'capital calls.' I know one attorney who sold his farm in order to stay in the game." The payoff, of course, was worth it. The 80-odd law firms that won the 1998 settlement divided fees of $20 billion—money that is now available for new pursuits.

Indeed, the trial lawyers have themselves become masters at bankrupting opponents—although not necessarily to their advantage, since bankruptcy leaves less money for their fees. More than 60 major companies have been put in Chapter 11 by asbestos litigation. The search for a solvent bystander has now led plaintiff attorneys to target such companies as General Motors, General Electric, and Vivendi, whose involvement in injuries to asbestos workers was completely incidental (GM, for instance, used asbestos brake pads in its cars) but whose deep pockets can be reached through the doctrine of "joint-and-several liability." Silicon breast-implant litigation bankrupted Dow Corning—even though the entire theory of the harm from implants is now recognized as junk science, and the Food and Drug Administration is about to allow implants back on the market.

And so, as these two superpowers—armed with their nuclear arsenals of the law—reach a kind of parity, the question arises: Is any kind of détente possible? Or will the mutually assured destruction of American civil justice lay waste the entire economic landscape?

It is possible to imagine such a détente. To begin, corporate America and its Republican allies must grant diplomatic recognition to the trial bar and admit that injury lawsuits are a permanent and acceptable part of the economic landscape. Critics such as the Manhattan Institute talk of a $200 billion "tort tax"—as if money spent on lawsuits were simply being burned. This is not the case. Damages paid in many legal settlements serve a distinct purpose in buying improvements in health and safety that would not be possible through any other channels.

Like it or not (and conservatives should like it), government regulation is inefficient in improving health and safety. But personal injury lawsuits, as in Mark Bocci's football helmet case, can deftly reach into remote corners of the economy that would never be visited by a government inspector. What's more, large transfers of money are an effective means of inducing these improvements. Although some jury verdicts may seem absurd, large damage awards can be an effective way of getting the attention of corporate giants.

A case in point: Ford designed the Pinto in haste by shrinking an earlier model. Cramped for space, it left the car's gas tank outside the rear frame, exposing it to rear-end collisions. The company recognized the danger but decided not to take any one of several corrective measures, most of which cost no more than $12 per car. An internal memo later justified this decision by estimating the number of wrongful death suits and costing them out at $200,000 per fatality, then the standard established by the National Highway Traffic Safety Administration. When damage awards starting coming in, however, jury verdicts averaged $6 million. The company had grievously miscalculated. When it became clear that litigation costs would far exceed the original estimates, Ford did a massive recall and later withdrew the car from the market.

Says Richard Epstein, author of *Principles for a Free Society: Reconciling Individual Liberty with the Common Good*: "Tort law is indispensable to any modern system of safety regulation. When directed toward the uncovering of fraud or incompetence, it works well. The problem comes when, in a search for deep pockets, it misdirects attention to some remote third party who is in a poor position to protect anyone from harm. We should be as skeptical of people who call for wholesale abolition of the tort system as we are of people who want to maintain the status quo."

Like them or not, lawyers are here to stay. On the one hand, it is easy to agree when articulate critics such as Walter Olson and Philip Howard complain that America is "overlawyered" and lament an age when everyone runs to the courthouse to solve grievances. But having a lot of lawyers is as inevitable as having a lot of people with college degrees. And there are compensations in being able to take grievances before a neutral arbitrator. Lawsuits, like war, are policy carried out by other means. Although personal injuries, consumer claims, mass torts, and class actions occupy a growing portion of the docket, the vast majority of time in American courtrooms is still occupied by one corporation suing another. That's what makes America such a great place to do business (unless you prefer to see such disputes settled with payoffs, collusion, or violence).

A détente would also require conceding that America's judiciary is capable of curbing many of the litigation excesses by its own means. The common law moves slowly but surely. In the early 1970s, for example, courts were inundated with civil antitrust cases. Every time the newly active Interstate Commerce Commission charged a company with anticompetitive behavior, private plaintiffs up and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

down the line began suing for triple damages under the 1914 Clayton Antitrust Act. For a while it appeared the entire economy might drown in private antitrust litigation. Then in 1977 the U.S. Supreme Court decided *Illinois Brick* v. *Illinois*, in which it laid down the principle that only parties that bought *directly* from the offending company could sue under Clayton. Antitrust suits quickly subsided to manageable proportions.

Many of the absurdities that emerge from the jury box are later rectified. The Arizona woman who infamously won $3 million for spilling McDonald's hot coffee in her lap eventually had the verdict reduced to $480,000. (She did spend a week in the hospital and required skin grafts.) When Joe Jamail convinced a hometown jury that Texaco (a New York company) had tortiously interfered when Pennzoil (of Houston) thought it had purchased Getty Oil, the $11 billion verdict (representing Texaco's entire net worth) was eventually whittled down to $3 billion. Newspapers report stories like the prison inmate who sues himself for $5 million and then asks the state to pay since he has no source of income—but never note that *filing* a lawsuit means nothing. All it reflects, in fact, is the growing awareness among trial lawyers that the bigger the numbers they post on the docket, the better chance the story will land in the papers.

But détente requires both combatants to stand down. So looking at the other side of the ledger, what can we ask from the trial lawyers?

The first thing is an admission that there is a vast amount of overreach in the demands of the plaintiff bar. Trial lawyers, for instance, like to get juries to hit defendants with huge punitive damages on the principle that it will "teach them a lesson" and "send them a message." But punishment is a public function and should be subject to the Eighth Amendment's prohibition of "excessive fines." It is irrational that the trial bar should tout the public benefits of its work and then deliver windfall profits to a single plaintiff who is only one of hundreds or thousands of wronged individuals. (Oregon now requires 60 percent of punitive damages go into the state Crime Victims' Compensation Fund, a reform that could easily be extended to other states.)

In fact, the longest-running litigation marathons have exposed the civil justice infrastructure as a vast Ponzi scheme. Millions of people may have been harmed by inhaling asbestos fibers, but there is not enough money in the world to compensate them all at the price being set by jury verdicts. One Texas jury recently awarded $200 million to an oil field worker who *feared* he had suffered lung damage, even though he had no visible impairments. The system now rewards those who file first with the best lawyers; everyone else is left holding the bag. Legitimate asbestos victims with claims on bankrupt companies are now receiving less than 10 cents on the dollar for their damages.

Second, trial lawyers must admit that among their numbers are those who have turned class actions and mass torts into a racket. In California, as Walter Olson recently reported, attorneys sent letters to thousands of businesses citing their recent violations of the state's draconic consumer-protection laws and demanding payment for not suing. It is hard to imagine a plainer example of "racketeering." The New York State Trial Lawyers Association has created a nonprofit Big Apple Pothole and Sidewalk Protection Committee, which hires students to inspect New York City sidewalks and mark up maps with thousands of squiggles that supposedly represent pavement damage. These maps are then used as proof of prior notice in slip-and-fall cases that currently cost New York City $60 million a year.

Asbestos claims now number 90,000 a year and are still climbing—even though the epidemic of the lung cancer mesothelioma, the principal disease from asbestos exposure, has been declining since 1991. This is because tort firms now run screening clinics at factories, often rewarding doctors for each positive diagnosis. This blatant recruitment of plaintiffs has turned many of the pioneering asbestos attorneys into opponents of the current campaign.

"We had a 79-year-old former refinery worker come into our offices two years ago asking us to represent him," says Wayne Reaud of Reaud, Morgan & Quinn. "We sent him to our doctor, who told us the man didn't have anything wrong with him. We told him this, but the guy kept insisting he was sick. 'I know I got it, I know I got it,' he said. What we didn't realize is that he had been recruited by one of these advertising firms in Dallas, and they had told him he had asbestos damage."

On the morning of June 13, 2002, the 79-year-old showed up at the firm's offices in Beaumont, Texas, with a shotgun concealed in a cardboard box and murdered Reaud's partner, 47-year-old Chris Quinn, a former Baylor football player and father of five children. Quinn's picture—coaching his son's soccer team—still hangs prominently in the hallway. "These advertising firms that file fraudulent asbestos cases don't have a bigger enemy in the world than me," says Reaud grimly. (The 79-year-old, Richard Joseph Gerzine, was convicted of murder by a Beaumont jury on October 27, 2003.)

Critics on both sides agree that while the American civil justice system is very fair at settling disputes between contending parties, it takes little note of the effect of courtroom decisions on interested third parties—i.e., society at large.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"American justice is conceived as a sporting contest between rival contestants," says Deborah Rhode, director of the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School. "The question is how far lawyers should go in representing their clients' interest. Values such as good faith, honesty, and fair dealing that are essential for efficient markets and regulatory systems rely on shared restraint. Over the long run, the single-minded pursuit of clients' self-interest can be self-defeating, not only for clients but for society as a whole."

Author Philip Howard, who has founded a nonprofit called Common Good to reform "America's lawsuit culture," cites a recent decision in the House of Lords—Britain's equivalent of our Supreme Court—where the judges dismissed the claim of a young man who had broken his neck diving into a lake at a park where 160,000 visitors swim each year. Noting that the only way to achieve safety would be to prohibit swimming altogether, the Lords asked, "Does the law require all trees to be cut down because some youths may climb them and fall?"

"This is the missing link in American justice," says Howard. "Judges have lost sight of the idea that lawsuits concern not only the parties in the dispute but everyone in society."

Trial attorneys are now like the capitalist Robber Barons who sparked the reforms of the Progressive Era. Just as the Robber Barons built America into an industrial giant, so the trial lawyers have made America into a healthier, safer, fairer place to live. That many of them have become billionaires in the process may prove only that they were the first to recognize the need for action. Like their industrial predecessors, however, the new Robber Barons may require public restraint. As Theodore Roosevelt knew, the outsized success of any business endeavor presents problems to the rest of society.

If they are to play TR, Republicans will need to begin by granting that Trial Lawyers, Inc., has a critical role to play in promoting health and safety and policing corporate America. Trial lawyers, for their part, will have to begin by recognizing that corporate America is not indestructible and that their litigious successes could end up doing great harm to the nation. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Marriage Defeatists

Federalism is a poor excuse for abandoning a core social institution

By Maggie Gallagher

Is marriage worth a constitutional amendment? A fair number of conservatives think not. "Leave it up to the states!" urges John McLaughlin. George Will, with customary eloquence, calls "constitutionalizing social policy" both a "misuse of fundamental law" and "imprudent . . . at a moment when we require evidence of the sort that can be generated by allowing the states to be laboratories of social policy." William Safire sees civil union as one of the "basic rights" that should be recognized in every state, "popular statutes to the contrary notwithstanding," though he cannot quite come to grips with what to do about same-sex *marriage* except to say that activist judges should probably leave the issue alone.

But activist judges won't leave it alone. With the recent *Goodridge* decision in Massachusetts, they are already opening the door to gay marriage. Why, then, do so many conservative voices reject the only possible effective political response?

One reason may be that many on the right view marriage as fundamentally a "values" issue. Marriage gets classified as "culture," which means private, not public; at best as "social policy," in George Will's term. If marriage is conceptualized in this way, many conservative intellectuals are led by their commitment to federalism to reject the idea of defining marriage in the U.S. Constitution. Let states experiment with different social policies and find out what works best. This view of marriage as a values question is shared by many on the left. And it seems to be the view of the *Goodridge* court, which pays tribute to marriage as a social institution with this rather limited list of reasons why marriage matters to anyone beyond the individuals it joins:

> Civil marriage anchors an ordered society by encouraging stable relationships over transient ones. It is central to the way the Commonwealth identifies individuals, provides for the orderly distribution of property, ensures that children and adults are cared for and supported whenever possible from private, rather than public funds, and tracks important epidemiological and demographic data.

Maggie Gallagher is the president of the Institute for Marriage and Public Policy in Washington, D.C.

By contrast, when the court touches on the individuals' interest in marriage, it waxes positively poetic: Marriage "fulfills yearnings for security, safe haven and connection that express our common humanity" and is "among life's momentous acts of self-definition."

So from right to left, many express disapproval of changing our sacred Constitution on behalf of marriage. They're happy to concede that economic matters belong in the Constitution. The right to bear arms? Sacred (at least on the right). Excise taxes and the inviolability of contract? Naturally. Yet many seem to believe that a Constitution filled with such things will be somehow tainted by the mention of a girlish issue like making sure that "marriage in the United States shall consist of the union of a man and a woman."

Until quite recently, most educated Americans had a different view. When the United States refused to admit Utah to the Union unless it rejected polygamy in the late 19th century, lawmakers and judges agreed: Marriage was not just a private taste or a values issue or even a religious issue, it was one of the handful of core social institutions that make limited government, and a constitutional republic, possible. Shared family norms enshrined in law were at least as vital to the republic as norms about property rights and democratic government.

This raises two questions: First, why did so many educated Americans believe this about marriage until quite recently? Second, why do so few public intellectuals now conceive of marriage in this fashion? Why was the core importance of a common understanding of marriage once obvious, and when and how did it cease to be so?

The cause of the marriage crisis we now face is not merely a shift of values. Nor is it simply the work of '60s radicals. It is a broad, structural crisis visibly affecting every single developed nation in the world. As Allan Carlson has pointed out, the key to understanding this crisis is to recognize how many of the critical social functions marriage once performed have been taken over by government and the market.

For most of human history, the kin group was the primary unit of government, the locus of production and exchange, of care for the sick, the old, and the young.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Marriage, as the key to kin-making, occupied a place of dominant importance. The family was for most people the primary work group, with husband, wife, and kids making much of what they needed on small farms. Disrupting a marriage meant endangering the livelihood of the entire family. To abandon the family was not only despicable, it was suicidal. If family bonds did not hold, who would care for you when you were sick, old, or otherwise unemployable?

In America and other developed countries, government now provides social insurance for the unemployed, the destitute, the elderly, the sick. Meanwhile each of us depends far more on the market than on family members to provide what we need in material terms, not only the goods we consume, but also the workers we need to produce goods.

These changes are broad, deep, and permanent. We have no desire to abandon the miracles of market capitalism to go back to churning butter and weaving cloth on our family farms, even if it were economically possible. The local WalMart will do just fine, thank you. As for government—Social Security, Medicare, Medicaid, unemployment insurance, child care subsidies, public education, and some form of welfare for poor kids (and their single moms) all are here to stay.

These economic and political changes did not necessarily make sexual revolution a good idea, but, along with contraception and abortion, they made it possible. Before all these changes, it was unthinkable for large numbers of ordinary people to imagine that what they did with their bodies was nobody's business but their own.

Today, marriage retains significant economic and social-insurance value; it remains an important unit of production and provides much dependent care. (As singles age, for example, they are especially likely to end up in nursing homes.) But relative to other social institutions like government and the market, marriage has played a diminishing role in recent generations, to the point where many Americans can no longer see the functions it performs. Educated Americans do not immediately grasp how they and the country at large depend on marriage. So many feel nothing essential is lost if we move, state by state, to a multiplicity of definitions of marriage—whereas "contract," say, or "private property" or "corporation" they can see must mean by and large the same thing in every state for the economy to function.

Marriage increasingly is not a public norm, but an optional lifestyle and a mostly emotional good. Reducing marriage to an emotional good fuels a divorce culture, since marriages that cease to fulfill "yearnings for security, safe haven and connection," in the words of *Goodridge*, are easily abandoned. And when millions of young women view marriage as having lots to do with their own yearnings and nothing in particular to do with making babies, unmarried childbearing abounds.

So why not just go with the flow? Give in and give up on the idea that marriage is a social institution and accept the economic and social changes that have reduced it to a mere symbol, a form of expressive conduct? Why *not* gay marriage? Why not polygamy, for that matter, if it makes three people, or four people, or a majority of a state's supreme court judges happy? What right has the government to interfere in romance? What possible rational reason is there to oppose the longing of people to express their love in legal commitments?

Here are two: First, for every American who cares about the future of American civilization, marriage continues to have a vital function that no other institution is capable of fulfilling: creating the next generation and giving children the mothers and fathers they need.

Second, for proponents of limited government—which is in turn what makes freedom possible—marriage is the only alternative to a vast, continued expansion of the welfare state, where the people themselves shall be shaped by government (through the courts) and socialized by elites in a new set of values. When mothers and fathers don't marry and stay married, the demand for government protection and services inevitably increases. Women alone raising children need help. If marriage is not the normal, usual, and generally reliable way of raising children, mothers (and their friends and relatives) will demand an expansion of government services to help them cope.

The practical result of the retreat from marriage as a social norm has been a vast expansion of the welfare state. What conservatives call welfare is only a drop in the bucket: High rates of divorce and unmarried childbearing are a driving force behind virtually every category of social spending. As more than 100 scholars and civic reformers noted in their 2000 Marriage Movement Statement:

> Divorce and unwed childbearing create substantial public costs, paid by taxpayers. Higher rates of crime, drug abuse, education failure, chronic illness, child abuse, domestic violence, and poverty among both adults and children bring with them higher taxpayer costs in diverse forms. . . . While no study has yet attempted precisely to measure these sweeping and diverse taxpayer costs stemming from the decline of marriage, current research suggests that these costs are likely to be quite extensive.

High rates of divorce and unmarried childbearing reinforce each other, connected as they are by the cultural idea that marriage is expendable for children. If marriage is primarily about adult intimacy, safe haven, and connection, then there is no good reason to get married when you want

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to have a child, or find you have unexpectedly conceived one. If marriage is mainly about adult yearnings, there is no good reason to work at a struggling marriage when it ceases to be satisfying or particularly intimate. Trade in your spouse as many times as you need to, if satisfaction with your spouse is the purpose of marriage.

The social norm that needs reinforcing, in the law and in the culture, is not: Soul mates should marry. It is: Children need fathers and mothers. This norm alone can sustain marriage as the primary source of support for mothers and their children, in lieu of government. Court-imposed gay marriage is not an expansion of individual liberty, but part of a highly successful strategy of certain elites to use the law to impose their values on the American people, reshaping social norms and institutions in the process.

What we see emerging is a new sort of society where educated elites use the soft power of the state to reengineer people's values as they will. The ordinary limits of governmental power cannot stop them, since the new values will be defined as "basic rights"—in whose name even libertarians will support a vast new intrusion of government into the lives of individuals. After redefining marriage, the next act is to redefine parenthood to accommodate two-mother families, two-father families, and whatever else people's yearnings for connection may produce. Perhaps libertarians will hail all this as an advance. When the new day dawns, courts—once bound by the idea that motherhood and fatherhood sprang from nature—will be free to define family relationships and distribute parental powers as they see fit.

Because marriage is a public, not a private, act, everyone will be forced to acknowledge the new social values. Public authorities will have to accord equal respect to whatever family forms adults choose, as they exercise their new basic right. Schools will become messengers of the new values; with time, radio stations may discover that they have failed to promote the "public good" if they object too strenuously to the new morality. This will all be done in the name of individual liberty, but the new liberty will consist of government's punitively reshaping social institutions to make them purveyors of the moral values of narrow elites. Federalism—whose whole purpose is the dispersal of power—will have been exploited to give power to those who wish to revamp social norms. Limited government is exactly what is under sustained attack.

Meanwhile, if same-sex marriage proceeds apace, all the promising recent improvements in the culture of marriage will be halted in their tracks. Marriage will no longer be about producing and protecting the next generation, or about getting mothers and fathers for children. In the new regime, marriage will be about legally affirming the sexual and emotional lifestyles of adults in the governing class. What are the likely consequences for marriage?

If family systems are to function in a highly mobile society, there must be core values that are public and shared. This common definition is what allows families, churches, and communities to sustain a marriage culture, within which children—who will someday go out and marry biological strangers, from different families, churches, and communities—are reared to be good husbands and wives. One of the insights gleaned from experiments with capitalism in post-Communist Russia is the importance of cultural values in making economic freedom work. Could the economy function if each state had a fundamentally different notion of property? Can marriage survive as an institution in a society where it means one thing in Massachusetts and something radically different in South Carolina? Or where Massachusetts marriages are not recognized in other states?

Large, complex societies can easily forget that they need to reproduce if they are going to survive. European countries are in a population decline so severe that in a hundred years or so, some of them appear poised to become majority Islamic societies. The Japanese health minister recently issued a warning that, if childbearing rates don't increase, the Japanese people are going to become extinct.

Getting men and women to channel erotic energy into the narrow but immensely fruitful union we call marriage is not easy. The things adults have to do consistently in order to give their children a stable, married mother-father home are hard. The public celebration and legal validation of marriage are intended to help define the importance of this task. That is the only real justification government has for interfering in peoples' personal lives.

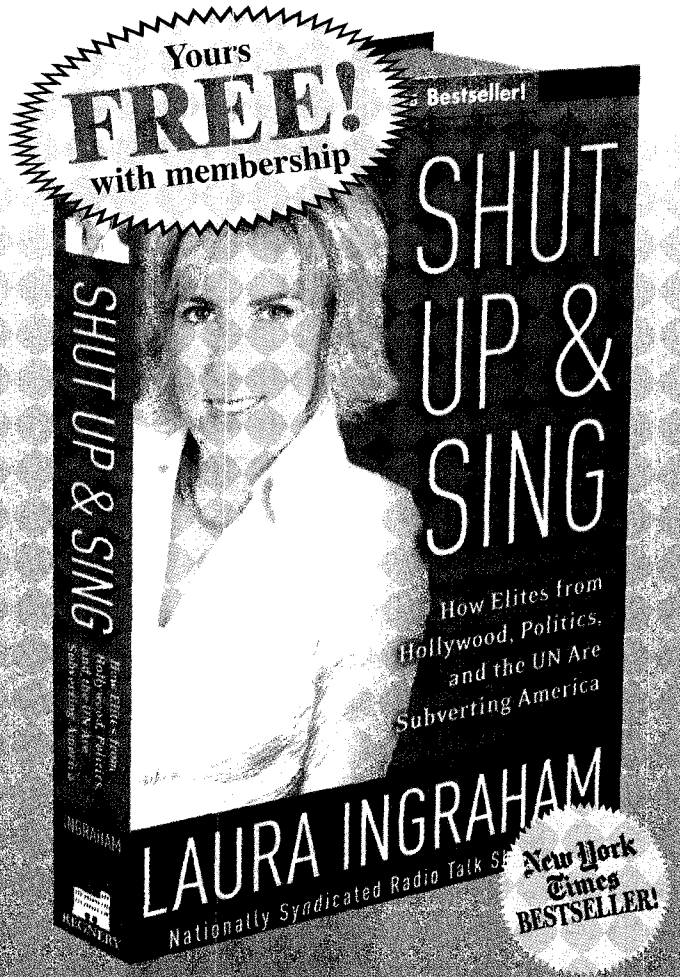
If marriage is only about intimacy, connection, and safe haven, as the *Goodridge* majority maintains, then government has no business in it. Maybe the advocates of family diversity are right: Maybe the idea that children need mothers and fathers, and that society needs babies, are outdated, dispensable notions. If you believe that, then permitting social experimentation across the states may be just the way to go.

But if you believe that marriage is one of a small number of social institutions (like democracy and property) that make limited government possible, then there is nothing at all anomalous about defining it in the Constitution. To so protect it amounts to saying again, as our forefathers said to Utah polygamists in the 19th century: The social system of our country, to which all our states subscribe, entails a shared respect for the republican form of government, for property rights, for free expression—and for marriage. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Why the Liberal Elites Think You're Stupid...

And How Laura Ingraham Proves Them Wrong



Meet the elites. They think you're stupid. They think all freedom loving Americans are stupid. They think patriotism is stupid. They think churchgoing is stupid. They think your SUV is evil — although theirs is absolutely necessary. They think owning a gun is criminal. They think George Bush is an idiot. They even think it's wrong for us to do what we have to do to protect our nation and our loved ones. Worst of all, they think our abiding belief in the goodness of America and its founding principles is naïve and misguided.

But in ***Shut Up & Sing, How Elites from Hollywood, Politics, and then UN are Subverting America,*** nationally syndicated radio talk show host, Laura Ingraham offers a refreshing and insightful look at the elites. Ingraham reveals that it is they, not us, who are the stupid ones — and that loudmouth liberals like Barbra Streisand would do better to just "shut up and sing." Ingraham exposes the outrageous howlers and muddled thinking peddled as wisdom by a rogue's gallery of Hollywood celebs, media yuppies, trial lawyers, multiculturalists, God-haters, and race-relations bullies who are exalted as heroes by the elite. Ingraham unmasks the shallowness of elite thinking everywhere it is found: in politics, the media, the ivory tower, arts and entertainment, and even business and international organizations.

Join the Conservative Book Club . . . and meet the elites. They have big plans for us. But with wit and precision, Laura Ingraham shows how we can torpedo their plans.

Benefits of Membership and How the Book Club Works

INSTANT SAVINGS! Join today and get *Shut Up & Sing* absolutely FREE, plus shipping and handling. Then take up to one year to buy two more books at regular low Club prices (20-50% below retail). After you have paid for your books, your Membership can be ended by you or the Club. Plus you will also get the opportunities to buy from our list of Superbargain books that the Club regularly offers. These books are offered at 70-90% discounts!! (Sorry, Superbargain books don't count toward your book commitment).

SHOP AT HOME CONVENIENCE! Up to 16 times a year you will receive the Club Bulletin packed with the kind of books you will want to read and own. Each Bulletin will describe a Featured Selection chosen just for our Members. Also included are a number of alternate selections about politics, religion, history, home schooling, investing, and other areas of interest to conservatives.

CBC ONLINE! You can now read about and conveniently order CBC books from our website at www.conservativebookclub.com. Same discounts apply, of course. And, with regularly scheduled live chats with our authors and members-only bulletin board, you can keep up with the conservative community on a range of important issues.

100% SATISFACTION GUARANTEED! If you are not completely satisfied with any book, return it and receive a complete credit. Plus you will always have at least ten days to make your decision to receive the Featured Selection. If you ever have less than ten days, you simply return the book at Club expense for a full credit. One Membership per household please.

☑ **YES!** Please enroll me as a member of the Conservative Book Club under the terms outlined in this ad. Send ***Shut Up & Sing, How Elites from Hollywood, Politics, and then UN are Subverting America*** for **FREE** and bill me just for the shipping and handling. I then need to buy only two additional books over the next year at regularly discounted Club prices (20-50% off retail). C1210-AZ

Name _____

Address _____

City _____ State ____ Zip _____

Email _____

• Prices slightly higher in Canada • Membership subject to approval by the Conservative Book Club

Fill out this coupon and mail to:

CONSERVATIVE BOOK CLUB®
Conservatives Serving Conservatives for 40 Years

1147 **P.O. Box 97196, Washington, DC 20090-7196** 6365

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

All photos: Frédéric Brenner / HarperCollins.

Funny, But I Do Look Jewish

By Joseph Epstein

Funny, but I do look Jewish, at least to myself, and more and more so as the years go by. I'm fairly sure I didn't always look Jewish, not when I was a boy, or possibly even when a young man, though I have always carried around my undeniably Jewish name, which was certainly clue enough. But today, gazing at my face in the mirror, I say to myself, yes, no question about it, this is a very Jewish-looking gent.

The article "Types, Anthropological" in the old *Jewish Encyclopedia* (1901-1906), written at a time when the Jews were anthropologically still considered a race, notes that "persons who do not have the Jewish expression in their youth acquire it more and more as they grow from middle to old age." True enough in my case, apparently, though much material in the rest of the article now seems comically antique: such as that Jews commonly wear their hats on the back of their heads because of the need to put their phylacteries on their foreheads, or have posture of a kind known as the "ghetto bend" from studying Talmud so relentlessly.

The remainder of the *Jewish Encyclopedia* article, which is accompanied by illustrations ("Composite Portrait of Ten Jewish Lads, New York"), works around the notion that the precise nature of the Jewish expression "is very difficult to determine with any degree of certainty or accuracy." Admitting all exceptions—Theodor Herzl, the founder of Zionism, "was not distinc-

Joseph Epstein is a contributing editor to The Weekly Standard.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tively Jewish [in appearance], all observers drawing attention to his resemblance to the Assyrian rather than to the Jewish type"—the article nonetheless insists there is a "Jewish expression."

Against much scientific evidence to the contrary, I happen to believe there is one, too. Noses used to be considered the defining Jewish physical characteristic—"chosen noses," in the phrase I myself sometimes use. High arching, aquiline, hooked, long, nostril-flaring, sometimes bump-bearing noses have generally been taken for Jewish. My own nose is fairly regular, in shape and in size, though its straight bridge now seems a touch high and it has become a tad beaky and, in profile, begins to seem more prominent.

I somewhere read the phrase "Jewish ears," implying large and fleshy appendages, and, if such Jewish ears exist, these I indubitably have. My ears have always stuck out, but now they seem to be growing larger, in proportion to my head, and a bit pointy into the bargain. Gershom Scholem, the great scholar of Jewish mysticism, had such ears. So, more famously and pointily, did Franz Kafka, giving him the look of a bat, or other member of the order Chiroptera.

Where I think I may look most Jewish is in the eyes. Once dark brown, my eyes are now more mottled, even containing bits of blue. The skin over my right eye is beginning to sag slightly—my mother's right eye did something similar late in her life—and my eyebrows are growing grayer and bushier, more unruly. But it's the look in my eyes that strikes me as most Jewish: It seems to me worldly, not to say a trifle world-weary, melancholy, if not mildly depressed.

The human face, we now know, is not symmetrical, a fact that painting seems to capture better than sculpture. Of my two sides, the right is the more lined, weather-beaten, battered-looking. I think of this side of my face as even more Jewish than my left side, which, to be sure, I don't exactly think of as Swedish. Am I equating suffering here with looking Jewish? I hope not, because not only have I never knowingly suffered in America for being Jewish, but I also take genuine pleasure in thinking myself a Jew, or member of what I, perhaps chauvinistically, prefer to think the most lively minority group in the United States.

A man named Sam Profettas, a Greek Jew from Salonika, photographed in 1991 by Frédéric Brenner for *Diaspora*, his two-volume photographic study of Jews, has the face I may have a chance of attaining. Mr. Profettas has thin lips, deep-sunk, pouch-underlined eyes, a straight but prominent nose, and no fewer than seven deep furrows in his forehead, with white hair brushed straight back. If I can survive another fifteen or so years, I shouldn't at all mind having a face approximating his, thoughtful, ironic, melancholic.

Diaspora
Homelands in Exile
by Frédéric Brenner
HarperCollins, 508 pp., $100

If one of the contributors to the text volume of Brenner's *Diaspora* were asked to read a photograph of my face, he might well find in it a longing to return from my post-exilic existence in America. How perfectly, absolutely, delightfully wrong he would be! Proudly Jewish though I may be, pro-Israel though I shall always remain, I have never wished to live anywhere else than in America. I can recall one evening in Jerusalem, awaiting the performance of Shlomo Mintz and the Jerusalem Music Center Chamber Orchestra, thinking that everyone else in this room could, theoretically, be Jewish. Rather than feeling that I was home at last among my people, I thought how, given a choice, I preferred instead to be among a small minority in a larger, free country. Perverse? I don't believe so; this position might even be considered a natural one for a writer who longs for objectivity, which is to say to be a little distanced from the life around him.

A French social anthropologist, Frédéric Brenner has been photographing Jews in their diasporic condition over the past twenty-five years, in what began as a search, as it was described in a *New York Times* article about him, for "the quintessential Jew." He has photographed Jews in fifteen republics of the old Soviet Union, in Yemen, India, Israel, Iraq, Iran, Greece, Tunisia, New York, along the Amazon, in Brazil, Argentina, China, Hong Kong, Africa, Germany, Holland, and most other countries of Europe. Among other things, *Diaspora* demonstrates the demographic ubiquity, if not everywhere the density, of Jews worldwide and in countries where they are often deeply rooted and not in the least cosmopolitan.

Brenner might be called the Jewish Diane Arbus, if Miss Arbus herself weren't Jewish (having been born a Nemerov, sister of the poet Howard). He has, that is to say, a taste for the stark and even the freakish; grotesquerie seems to light his fire. He provides photographs of a midget Jewish hatter in the Ukraine, rabbinic couples (men and women rabbis) on beds together at a bargain furniture store in New York, a Jewish drag queen stretched along the sandy ground in Johannesburg, South Africa. Some of his photographs are distinctly "in your face," or, to use the pro-football term, "smash mouth." An example of this aspect of his work is seen in a photograph of ten defiant-looking young female rabbis and cantors at the Jewish Theological Seminary, in prayer shawls with phylacteries, or *tefilin*, wrapped round their forearms. None of Brenner's photographs carry titles or captions, but this one might have been entitled "Not Your Mother's Judaism."

The photograph in this book for which I do not possess a proper introductory adjective—shocking? devastating? desolating?—is one of six Jewish women from Los Angeles with their blouses off who have had mastectomies (five single, one double). I am not sure how one is supposed to react to this photograph. Powerful it is; that is beyond question. But to what end? How was Brenner able to get the women to pose for it? They sit at a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

table, each holds the hands of the women on both sides of her. Some attempt a smile, but without much success. "Posing for this picture with these women was a very intense experience," one of them remarks, and then, alas, breaks off into psycho-babblish jabber about meditation and the sense of connection required to summon the bravery for allowing the photograph. One can perhaps see the possibly cathartic effect of having done so. Only the motives of the photographer are really in question here.

Is iconoclasm part of Brenner's project? One picks up bits of anti-Israeli feeling, for example, in some of his photographs. A set of photos, taken roughly a decade apart, shows a perhaps six-year-old, earlock-wearing Yemeni Jew, Lewi Faez, studying a Jewish book in his grandfather's jewelry workshop, a room that does not seem far advanced above a cave. Years later Brenner photographed the sixteen-year-old and now married Lewi Faez and his wife and infant child in a nearly empty modern apartment in Israel in a manner meant to suggest his loneliness in his new country—the implication here being that Yemen, with all its primitiveness, may have been better. The camera, it is said, does not lie, but the man behind it can have his devious subtexts and political agendas.

The text—contained in the slenderer of the two volumes of *Diaspora*—includes what Brenner calls "Voices," or commentaries on smaller versions of many of the full-page, sometimes two-page-wide photographs found in the photographic volume. The "voices" are in fact brief passages written by novelists, poets, historians, scholars, and critics stirred by particular photographs; sometimes these passages entail a reading or interpretation of the photograph, sometimes they occasion autobiographical sorties suggested to them by the photographs. The passages written by André Aciman (a Jew born in Alexandria, Egypt), Julius Lester (an African-American who many years ago converted to a Judaism he takes seriously), and Tsvi Blanchard (an American orthodox rabbi) are easily the most penetrating. Jacques Derrida, a Jew born in Algeria, is interesting only when he is autobiographical and is otherwise his old charmless, obscurantist self. The Harvard philosopher Stanley Cavell, another frequent "Voices" contributor, is reliably disappointing. Thousands of words are in this text volume that aren't worth a single one of Brenner's pictures.

As for that quintessential Jew, Brenner allows that he has never found him and suggests, as does the impressive variety of his photographs, that he may not exist. Who might he be? Surveying the immensity of Jewish types, might he be the philosopher Martin Buber, the gangster Meyer Lansky, the comedian Woody Allen, the sports announcer Howard Cosell, the operatic singer Beverly Sills?

Is the authentic Jew an earlock-wearing, tsitsit-on-the-undergarments-bearing Hasid in the Mea Shearim neighborhood in Jerusalem, a merchant originally from Iraq living in Calcutta, a Marrano praying in an attic in Portugal, a golfer in plaid pants and peach-colored shirt teeing off at the Lakeshore Country Club in Glencoe? The answer is of course all and none of the above.

And yet Jews remain, at least to most other Jews, identifiably, unmistakably Jewish. "Gaydar" is a word, formed from "radar," that describes the ability to discern a gay man, especially one attempting to pass as heterosexual. If there is an equivalent power of discernment that allows one to spot Jews, even where they do not conform in any obvious or even subtle way to stereotypical notions of the Jew—let us call this "Jewdar"—I like to think I possess it in reasonably good working order.

I feel that I can see through the occasional name change, cosmetic surgery, or sad attempts to pass oneself off as something other than Jewish that come within my purview. "Ah, a *landsman*," lights up on the screen in my mind when I encounter a person I take to be Jewish. A name can sometimes be more suggestive of Jewishness than physical appearance. Names, too, can give to Jews an odd sense of worldwide connectedness. Brenner, in this collection, provides Cohens from Venezuela, Kushners from Birobidzhan, Aarons from Calcutta, Bermans from Paris, and Hershs and Freys from Antwerp.

A Yemeni Jew, Lewi Faez, with his wife and child in Israel.

On the other hand, I have always wondered what it might be like not to be Jewish but to have a Jewish-sounding name—Sarah Jacobson, Norman Davis, Mark Steyn—and often be taken for Jewish. First, there would be the worry that someone might hold your being Jewish (when you're not) against you; and, second, there is the discomfort entailed in getting special treatment from another Jew or philo-Semite because that he or she thinks you are someone you are not. I once saw a man who was a dead ringer for the old actor Cesar Romero wearing a bright red T-shirt with bold white lettering that read "I Am Not Cesar Romero." Perhaps people with Jewish-sounding names ought to wear T-shirts, or at least carry business cards, that read, "I'm Sidney Ross, But Not Really Jewish." Glenn Gould, whose name and face and manner all falsely suggest Jewishness, could have used such a T-shirt.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The first time he saw troops from the Israeli Army, so in shape and formidable did they seem, Jackie Mason claims that he thought they were actually Puerto Ricans. One of the points Brenner attempts to make in *Diaspora* is that it's no longer so easy to tell Jews from non-Jews. In the photographs that he took of Jews in Italy, for example, especially those of men, none looks especially Jewish: They seem purely Roman or Venetian or Florentine. Yet my Jewdar rings even when I gaze upon most of the Chinese Jews in his photographs from Beijing. Brenner seems to play off this point with a photograph of a group of black and Hispanic moving men seated by a truck in Palm Beach, Florida, on which is written the company's name: Nice Jewish Boys. Only one actual Jewish boy, Jerry Burnstein, the driver of the truck and perhaps one of the owners, is in the picture. "Gee," remarks Julius Lester of this photograph, "but they don't look Jewish." What—or on whom—is the joke here?

Brenner supplies a variety of Ashkenazi and Sephardi Jews, and his selection of photographs emphasizes more the distinction between them than between German and Eastern European Jews (both of whom are Ashkenazic). The rivalries and little snobberies among these three divisions of Jewry are themselves of humorous interest to those who consider themselves connoisseurs of Jewishness. Traditionally, the German Jews held themselves to be above—more assimilated, more cultured—Eastern European Jews, while the Sephardi Jews, who were exiled from the Iberian Peninsula in 1492, held themselves to be more aristocratic and hence above both. Some of them even claim the cachet of having been exiled in 1492 in the same way that some old-line American WASPs used to claim coming over on the *Mayflower*.

Eastern Jews referred to German Jews as *yekkes*, probably from the German word for "jacket" and a metonym for the notion that the stiffer, more formal German Jews never took off their suit jackets. What is the difference between a virgin and a *yekke*? an old joke asked. The answer was that a *yekke* remained a *yekke*. In a novel called *Café Berlin* by Harold Nebenzal, I came across the amusing generalization that the real division between Sephardi and Ashkenazi Jews is that no true Sephardi, at least one raised in the Middle East, can abide *gefilte* fish, an Ashkenazi dish. An often-disputatious people, the Jews, and never more so than among themselves.

Brenner frequently attempts to score subtle jokes with his photographs. His better ones usually come by way of the settings he arranges for many of his subjects. Consider his photograph of fourteen Jewish shrinks, in a tight grouping off to the left, shot in the library at the New York Psychoanalytic Society. Books and busts and photographs of Sigmund Freud are scattered throughout the room.

But dominating all—even the fourteen shrinks—is a large psychoanalytic couch at the picture's center, which, in the context of the photograph, resembles a mastless Egyptian boat. Might this couch stand for the boat that all these shrinks, still working away at their now quite dead ideas, seem to have missed? I don't know the state of Brenner's belief in psychoanalysis—though anyone who has read my previous sentence now knows the state of mine—and so I could be wrong about my interpretation of this photograph. But the brilliance of his arrangement makes it certainly possible, amusing, and, to me at least, persuasive.

Another of Brenner's photographs has sixteen actors all in Groucho Marx makeup and poses. Tsvi Blanchard remarks that "this photograph nearly convinced me that Groucho Marx was the official logo of Jews in exile." Underlying this is the notion of the Jew as someone who is skeptical, quick in response, verbally menacing. The Jew as witty radical is also suggested, for almost all the Marx Brothers' movies are attacks on what were once established American WASP institutions: Ivy League higher education, the opera, first-class ocean travel, thoroughbred racing.

The New York Jew may be a spin-off from the Groucho, wise-guy-son-of-recent-immigrants Jew. When you're in love the whole world's Jewish, was an old joke line. Closer to the truth is that when you're in New York, everyone seems Jewish, sometimes including Irish cops and Italian priests. By their combination of knowingness and aggressiveness—a combination that is not everybody's cup of caviar—is how New York Jews are generally characterized. Among the earliest anti-Semitism I encountered as a boy came from Chicago Jews returning, in the early 1950s, from Miami Beach, saying that the chief thing wrong with the place was that, as far as they were concerned, it had too many New York Jews. I have myself been taken for a New York Jew, and once read, in a biographical note accompanying an essay of mine reprinted in a college reader, that I had attended CCNY and then Columbia, when I've never set foot in either. Funny, I don't seem to myself New Yorkish.

But there is also the cerebral Jew (J. Robert Oppenheimer), the sensitive artistic Jew (Yehudi Menuhin, Vladimir Horowitz—this one comes in handsome and homely versions), the genius Jew (Albert Einstein), the infuriating Jewish woman (Barbra Streisand, she should only mind her own business), the Rebecca-by-the-wells beautiful Jewess (Marisa Berenson), and a full typology of other Jews, enough and more than enough, really, to go round.

Frédéric Brenner's point is precisely that there may be no quintessential, authentic, absolute Jew. He makes this point, over and over, by showing Jews in unexpected connections. A photograph of the members of a Jewish motorcycle club in their leather and on their bikes before a synagogue is a notable example. Another is a Chaplinesque little Jewish man, with yarmulke and cane and cavalry mustache and bemused smile, standing against a blank wall in Calcutta. More in his smash-face mode, he provides a picture of a Passover ceremony at a maximum security women's correctional facility in Bedford Hills, New

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

York; in case you missed the message, this photograph says, there are dangerous Jewish criminals and they aren't all Jewish men, either.

Brenner does not emphasize the Holocaust in this collection, though it was Hitler who sent more Jews off into a second diaspora than did the Romans when they destroyed the Second Temple. One extraordinary photograph, shot from above, shows a circle of twelve women, six Holocaust survivors, back to back, arms entwined with their lesbian daughters'.

What, one has to ask, is the moral of this picture: You survive the Holocaust, and you still get a lesbian for a daughter? Or might Brenner have intended that women who have gone through the Holocaust and lesbians, mother and daughters in this instance, share equal status as victims? I fear that our photographer intends the politically correct, drearier, and much more boring second interpretation.

Most of Brenner's photographs in Israel are not of the appealing Israeli young that characterize the place for many of us but of Hasidic Jews. Tsvi Blanchard remarks of a photograph of two, dark, bespectacled, spindly-legged Hasids: "How curious this is! We can only imagine the Jew as people we do not wish to be." Whether in the Catskill Mountains, Mea Shearim, on 47th Street in New York, at a study or dining table, or out in an open field, the Hasidim bring their complete world with them, which perhaps accounts, at least in part, for why they are as photogenic as any subject going.

Brenner provides a rigged up photograph of Jewish American celebrities, each appearing in a nineteenth-century gold gilt frame, out of which some place a hand or even their full head. The people in the photograph range from Henry Kissinger to the swimmer Mark Spitz, from Isaac Stern to Betty Friedan, from Philip Roth (the frame in which he appears is set horizontally on the ground) to Lauren Bacall. Different as they all are in the quality of their minds and outlook, all look distinctly Jewish. Saul Bellow, who also appears in this photograph, here resembles nothing so much as an ancient parrot, but, it must be added, a distinctly Jewish one.

Jewish members of the New York Psychoanalytic Society.

"Over time," Tsvi Blanchard remarks, "Brenner's work will increasingly undermine our conscious belief that there is only one way to be Jewish." Perhaps so. Hasidic Judaism harks back to the eighteenth century. Much modern Judaism, in its liberal strain, makes a conscious attempt to be as inclusive as possible; a visit to many Reform Jewish synagogues today can sometimes make one feel as if one has just attended a platform session of the McGovern wing of the Democratic party. Above all there reigns the paradox that, as some branches of Judaism make more and more concessions to modernity—female rabbis being the most notable step in this direction—more and more young Jews seem to be returning to Jewish orthodoxy. Go, as the Jews say, figure.

And yet . . . and yet . . . and yet . . . despite and perhaps because of all this, why is it that I continue to feel that I can recognize a Jewish face at twenty paces, no matter what its possessor's politics, nationality, personal history? "Numbers of Jews are found," the *Jewish Encyclopedia* notes, "who possess none of the characteristics here noted, and yet are recognizable as Jews."

Jews come in all shapes and sizes, tastes and temperaments. They can be garish and vulgar, pushy and wild, sensitive and cerebral, artistic and conservative, but they are rarely dull, except of course when trying to pass themselves off as something other than Jewish. Sometimes I think I can have had no better luck than to have been born Jewish, even though I am in my religious belief a pious agnostic and far from a sedulous practitioner of the Jewish religion. At other, rarer times, the complication of being Jewish seems heavy, or "fraught," as is nowadays said, and what it is fraught with, I believe, is the feeling of never quite feeling altogether at home anywhere.

"What are you doing here?" is a question that plays somewhere in the back of every Jewish person in whatever country he or she takes up residence. ("A Jew," André Aciman remarks "is always someone about whom one asked: Why on earth isn't he where he belongs?") The pressure of history makes it a tough question to block out. It was supposed to have been put to rest with the founding of the State of Israel, but, just now, a good part of the world seems to be asking the Israelis and their nation precisely this question: What are you doing here?

Aggressiveness can sometimes mask this feeling of outsiderishness on the part of Jews, sometimes irony can attempt to do the same thing. And on occasion, so can a measured distancing of oneself from full participation in the life around one. But anyone dedicated to being a person on whom little is lost will notice it playing somewhere in the expression of almost all Jews. Careful scrutiny will inevitably reveal that, funny, but they really do look Jewish. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Making Middle Earth

From The Hobbit *to* The Lord of the Rings.

BY DANIEL KENNELLY

When the first volume of *The Lord of the Rings* appeared in 1954, J.R.R. Tolkien's epic was not received with anything resembling the acclaim it enjoys today. That's an easy fact to forget—given the way the hippie adoration for the book in the 1960s made it a bestseller of the counterculture, then the Catholic reclaiming of Tolkien in the 1980s made it a staple of religious reading lists, and how the stunning box-office success of Peter Jackson's screen versions in the early 2000s have introduced the story to new generations.

Tolkien and the Great War
The Threshold of Middle-earth
by John Garth
Houghton Mifflin, 400 pp., $26

The Road to Middle-earth
How J.R.R. Tolkien Created a New Mythology
by Tom Shippey
Houghton Mifflin, 416 pp., $13

The Gospel According to Tolkien
Visions of the Kingdom in Middle-earth
by Ralph Wood
Westminster John Knox, 169 pp., $14.95

The reviews that first greeted *The Lord of the Rings* can only be described as mixed, with reviewers tending to wild extremes. In a dust-jacket blurb for *The Fellowship of the Ring*, Tolkien's friend and colleague C.S. Lewis compared the author to Ariosto, and said of the entire work after publication of the final volume, *The Return of the King*, in 1955, "I hardly dared hope it would have the success which I was sure it deserved. Happily I am proved wrong." W.H. Auden (a former student of Tolkien's) solemnly declared, "If someone dislikes it, I shall never trust their literary judgment about anything again."

Meanwhile, writing in the *Daily Telegraph* in 1954, Peter Green dismissed the first book as a "shapeless work" that "veers from Pre-Raphaelite to Boy's Own Paper." In a 1956 review in the *Nation*, Edmund Wilson declared that praise for Tolkien is explicable only by the fact that "certain people, especially, perhaps, in Britain, have a lifelong appetite for juvenile trash." In a 1955 *Observer* essay entitled "A Boy's World," Edwin Muir wrote: "The astonishing thing is that all the characters are boys masquerading as adult heroes. The hobbits . . . are ordinary boys; the fully human heroes have reached the fifth form; but hardly one of them knows anything about women, except by hearsay."

Such reviews cut Tolkien to the bone. "Blast Edwin Muir and his delayed adolescence," Tolkien lashed out in a letter to his publisher. "He ought to know better." The literary furor even prompted Tolkien to write a short poem to mock the critics: "The Lord of the Rings / *is one of those things: / if you like you do; / if you don't, then you boo!*"

But perhaps the criticism cut deep because Tolkien, to a certain extent, agreed with it. What unites the opprobrium directed at *The Lord of the Rings* is a complaint about the book's juvenile character. And what the critics meant by juvenilism was, essentially, that the books involved what came to be called "escapism." The world of young-adult fiction, then as now, was rife with stories that took flight from reality into realms of fairy tale and fantasy.

Shortly after he published *The Hobbit*, but before he began *The Lord of the Rings*, Tolkien set out to reclaim the idea of escapism in literature. First delivered as the 1938 Andrew Lang Address at Oxford, his essay "On Fairy-stories" explains:

> I have claimed that Escape is one of the main functions of fairy-stories, and since I do not disapprove of them, it is plain that I do not accept the tone of scorn or pity with which 'Escape' is now so often used. . . . Why should a man be scorned, if, finding himself in prison, he tries to get out and go home? Or if, when he cannot do so, he thinks and talks about other topics than jailers and prison-walls? The world outside has not become less real because the prisoner cannot see it. In using Escape in this way the critics have chosen the wrong word, and, what is more, they are confusing . . . the Escape of the Prisoner with the Flight of the Deserter.

The Hobbit itself began as an exercise in escape, as Humphrey Carpenter recounts in his biography of Tolkien. A teacher at the time, Tolkien maintained a heavy course-load and took on extra work grading exam papers to make ends meet. In the midst of doing this dull work one day, he came upon a page left blank—"a boon to all exam markers," he told an interviewer in 1972. "I turned it over and wrote on the back, 'In a hole in the ground there lived a hobbit.'" It was a word he did not recall ever hearing or using before—and thus, for a philologist, an irresistible opportunity to whittle away time in an effort to discover what the word really meant.

The result became part of the opening of *The Hobbit*, readers' introduction to the fantasy world of Middle-earth, which Tolkien published in 1937:

> Hobbits . . . are (or were) a little people, about half our height, and smaller than the bearded Dwarves. . . . There is little or no magic about them, except the ordinary everyday sort which helps them to disappear quietly and quickly when large folk like you and me come blundering along. . . . They are inclined to be fat in the stomach . . . and laugh deep fruity laughs (especially after dinner, which they have twice a day when they can get it).

The hobbit hero, Bilbo Baggins, lives a comfortable life in a well-furnished, well-provisioned hobbit-hole called simply "Bag End." He enjoys

Daniel Kennelly is senior editor of The American Enterprise *magazine.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

smoking a pipe, and regularly takes his afternoon tea at four o'clock (as ought to be guessed by his surname, which according to the *Oxford English Dictionary* means anything eaten between meals in substantial form, especially afternoon tea).

In short, he lives the best life a middle-class Englishman could expect in the countryside of the early twentieth century—minus machinery based on anything other than a rudimentary technology. And this bourgeois, unadventuresome hobbit, barely distinguishable from a character in one of Trollope's Barchester novels except in stature, is promptly introduced to a cast of characters—thirteen dwarves and an old wizard named Gandalf—straight out of the Norse *Elder Edda*.

In the newly revised and expanded version of *The Road to Middle-earth*, Tom Shippey, a colleague of Tolkien at Oxford, has delved deep into Middle-earth's Northern roots. What Tolkien set out to do in *The Hobbit*, Shippey suggests, was recreate the forgotten literatures of ancient northern Europe. The dwarves to which Bilbo is introduced in the first chapter—Dori, Nori, Ori, Oin, Gloin, Fili, Kili, Bombur, Bifur, Bofur, Dwalin, Balin, and Thorin—have names taken directly from "a section of the Eddic poem *Völuspá*, often known as the *Dvergatal* or 'Dwarves' Roster,'" which scholars have typically regarded as a meaningless list. Tolkien, however, saw in the *Dvergatal* and other such scraps not a rigmarole, but "the last faded memento of something once great and important, an Odyssey of the dwarves."

But, particularly in *The Hobbit*, Tolkien found it impossible simply to tell a story from the heroic world of the North. The narrative itself required the irony of Bilbo Baggins, a bourgeois hobbit, if only to connect the modern reader to the lost world. With prodding from the wizard Gandalf, Thorin Oakenshield and the dwarves agree to employ Bilbo as a "burglar" to accompany them in a journey to reclaim their far-off, ancestral home, the Lonely Mountain, from the depredations of the dragon Smaug.

For Bilbo, discretion in battle is often the only part of valor, and his ineptitude at "burglarious proceedings" more than once threatens to throw the whole company into ruin. The strong comic vein of *The Hobbit* owes much to the clash between Bilbo's modern anachronisms—the jacket he wears, his handkerchiefs, his talk of "profit" and "contracts"—and the archaic world in which Thorin Oakenshield and the others live. The dwarves are on a high and noble quest, straight out of the age of ancient epic. Bilbo is on an adventure, straight out of the age of the Victorian novel. All the comedy in the book comes from this contrast—but in the end, the comic vein gives way, as Thorin, on his deathbed, exchanges with Bilbo parting words indicating a newfound mutual understanding and tolerance of their respective worlds:

> "I am glad that I have shared in your perils—that has been more than any Baggins deserves."
>
> "No!" said Thorin. "There is more in you of good than you know, child of the kindly West. Some courage and some wisdom, blended in measure. If more of us valued food and cheer and song above hoarded gold, it would be a merrier world."

Perhaps what Tolkien hoped is that through the comic and ironic contrast of a modern hobbit let loose in a heroic world, present-day readers would come to some appreciation of the past. Or perhaps he simply caught hold of the tail of a fantastic children's story, that day when he scribbled in an exam book, and all he did was hold on while it bucked and galloped its way to the end of the book. Maybe he *meant* it, in other words, or maybe he didn't, but either way he was clearly on to something, for Middle-earth proved a thicker, richer place than was necessary for the story.

Praise for *The Hobbit* was largely glowing—the *New York Herald-Tribune* named it best children's story of the year in 1938—and sales were brisk. Thus it was no surprise when his publisher, Allen & Unwin, asked Tolkien to write a sequel. Neither his publishers nor Tolkien himself would have

Bettmann / CORBIS

J.R.R. Tolkien

guessed that this "New Hobbit" would morph over time into the sprawling, half million-word epic trilogy, *The Lord of the Rings*.

Tolkien's earliest manuscripts demonstrate the vast departures from the sequel he initially set out to write. Bilbo was originally to be the hero of the new tale. The ring of invisibility he obtained in *The Hobbit* was to be somehow important to the plot of *The Lord of the Rings*, but a far cry from the overwhelming presence the Ruling Ring later became. Aragorn, the tall, grim-faced Dunedain ranger and heir to the throne of Gondor, began his life as Trotter, "a queer-looking, brown-faced hobbit" who wears wooden shoes.

Like scaffolding left behind after a construction project, some *Hobbit*-like elements survived the process of revision to retain a place in *The Fellowship of the Ring*. One such passage is a scene in which a fox comes across Frodo, Sam, and Pippin camping in the Shire at the outset of their journey: "'Hobbits!' he thought. 'Well, what next? I have heard of strange doings in this land, but I have seldom heard of a hobbit sleeping out of doors under a tree. Three of them! There's something mighty queer behind this.' He was quite right, but he never found out any more about it." Tolkien no doubt recognized such passages as failures in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tone, but he could be very tenacious in holding on to ideas he privately treasured throughout the slash-and-burn process of revision.

The unexpected appearance of the black-clad Ringwraiths who menace the hobbits throughout the first book of *The Lord of the Rings* trilogy, *The Fellowship of the Ring*, came as a surprise to the author—or so, at least, he claimed—and it established that the story would have a much darker tone and a more developed understanding of evil than its predecessor. Thus, for example, the dragon Smaug in *The Hobbit* exhibits greed, vanity, and wrath on a gargantuan scale, to be sure, but those vices dwindle to peccadilloes when compared with the evil in *The Lord of the Rings*: the wizard Saruman's tragic descent into the depths of pride or Sauron's unrestrained will to power.

But that creates its own literary troubles for Tolkien. You can almost taste his problem. Can the same narrative world that contains the comedy of *The Hobbit* be made to bear the seriousness of *The Lord of the Rings*? Fairies and ghosts are both supernatural beings, no doubt, but even Shakespeare would have shied away from the prospect of introducing Hamlet's father to Titania, or setting *Midsummer Night's Dream* in Denmark.

Part of Tolkien's solution is a change of diction. In *The Hobbit* the enemy soldiers are called "goblins," a name connoting a mischievousness that *The Lord of the Rings* cannot stand—which is why Tolkien slides into calling them "orcs," a word deriving directly from the Old English *orcnéas*, or the "demon-corpses" of the Beowulf-poet.

Most of the books recently published to cash in on the success of the feature films concern evil in *The Lord of the Rings*—as, indeed, they must. It is the dominant feature of the book, compelling Tolkien to abandon the successful formula of *The Hobbit* and to write a book set entirely in the heroic world, even if its hobbit heroes are not the traditional stuff of heroism.

John Garth's biographical sketch, *Tolkien and the Great War: The Threshold of Middle-earth*, sheds light on the unique way in which Tolkien's experiences in World War I and the Battle of the Somme shaped his literary endeavors. But among all these new books, Ralph Wood's *The Gospel According to Tolkien* stands out for its discussion of the Christian theology that informs the depictions of evil in *The Lord of the Rings*.

Other writers—notably Joseph Pearce and Bradley Birzer—have written on the orthodox Christian character of the trilogy, but many of these authors tend to overplay the superficial Christian elements like the eucharistic symbolism of the elven waybread *lembas*, or the Marian imagery behind the depiction of the elven Lady Galadriel. By taking a less overt, less defensive, and more meditational approach to the work's Christian character, Wood ends up presenting a more complete and convincing discussion of the Catholicity of Tolkien's work. Far from being home to cartoonish villains or black-and-white representations of evil, *The Lord of the Rings*, Wood argues convincingly, depicts "malign magic as the product of panicked despair."

The vision of evil in *The Lord of the Rings* is so developed, its presentation of sin and fallenness so painful, and its conclusion mixed so strongly with grief and joy, hope and despair, that one would be justified in asking why anyone would think that reading such a novel is an escape from reality.

Which is why, perhaps, the final film of Peter Jackson's movie trilogy, *The Return of the King*, falls short of Tolkien's vision of evil. Fans of the books will likely bristle at many of the innovations Jackson and company employ in the conclusion. Denethor, the steward of Gondor, who in the book immolates himself and his dying son on a funeral pyre out of "panicked despair," is all but drop-kicked into the flames by an action-hero Gandalf in the film. Revisions, like the presence of Aragorn's ghostly army at the Battle of the Pelennor Field, undo Tolkien's meticulous plot structure. And far too much of the responsibility of visual interpretation is surrendered to fantasy illustrators such as Alan Lee and John Howe. Thus the film depicts Sauron as a marble-shaped cat's eye, wreathed in flame, scouring the land like a fluorescent-orange spotlight from the top of the tower of Barad-dûr.

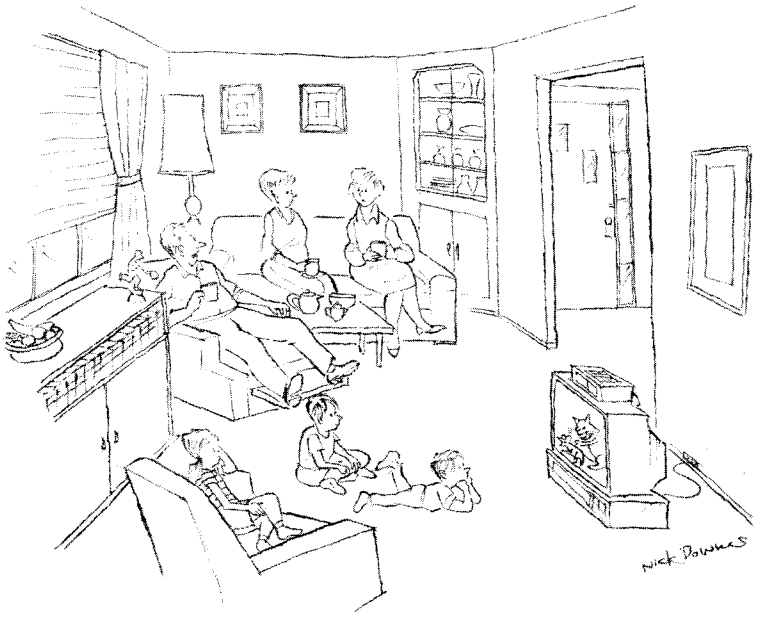
Then again, this is Hollywood. The formula for a film's commercial success (if not for Oscars) has always been its ability to make the audience forget the problems of their own lives for a few, short hours. At this task, *The Return of the King* will no doubt succeed, to the delight of moviegoers. Tolkien, however, would likely have called the films a "Flight of the Deserter" rather than an "Escape of the Prisoner."

As rousing an adventure tale as they are, perhaps Jackson's films would have risen above the level of mere fancy if he had been able to translate a few of the book's subtler scenes into film. In one such scene, the ring-bearer Frodo Baggins and his simple hobbit companion Samwise Gamgee have a poignant exchange on the outskirts of Mordor, one of the darkest moments in their journey:

> "I used to think that [adventures] were things the wonderful folk of the stories went out and looked for . . . a kind of a sport as you might say. But that's not the way of it with the tales that really mattered, or the ones that stay in the mind. Folks seemed to have been just landed in them, usually—their paths were laid that way, as you put it. . . . I wonder what sort of a tale we've fallen into?"
>
> "I wonder," said Frodo. "But I don't know. And that's the way of a real tale. . . . You may know, or guess, what kind of a tale it is, happy-ending or sad-ending, but the people in it don't know. And you don't want them to."

The readers of *The Lord of the Rings* know, of course, "what kind of a tale" they're reading. As in all fairy tales, good must triumph over evil: Sauron will be vanquished and the Ruling Ring destroyed. Frodo and Sam cannot know this outcome, and from this ignorance derives their temptation to despair about their own particular endings. But from their ignorance comes as well their almost Christian hope in the providential order of the world—which is what creates and allows their resolve to continue the quest. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



"We keep the TV on day and night, in the hope the children will learn to ignore it."

Books in Brief

***Against Love: A Polemic* by Laura Kipnis (Pantheon, 224 pp., $24).** Inside Laura Kipnis, there's a talented social satirist screaming to get out. Kipnis's *Against Love* attacks contemporary American ideals of love, marriage, sexual fidelity, and family life. Along the way, Kipnis exposes the contradictions in the American view of love—the selfishness we try to disguise as eros: "Leeches and bleeding served a similar purpose in previous models of the body. However, we moderns 'express our feelings' in lieu of our fluids, because everyone knows that those who don't are more disease prone, and more subject to cancer, ulcers, or a host of other dire ailments."

But Kipnis falls victim to the same naiveté and humorlessness she decries. She briefly acknowledges, for instance, the inconvenient fact that women get pregnant: Sex still makes babies, even when we don't want it to. Her solution? Socialism. We should be like Sweden, replacing marriage with a social safety net. She apparently sees no need to worry about the fatherless children who won't be satisfied with this substitution.

There's something to be said about the topics taken up by *Against Love*, but Kipnis isn't the woman to do it. This book should have been written by Florence King.

—*Eve Tushnet*

***Arrogance: Rescuing America from the Media Elite* by Bernard Goldberg (Warner, 310 pp., $26.95).** Bernard Goldberg's latest—a lively follow-up to his 2002 surprise best-seller, *Bias: A CBS Insider Exposes How the Media Distort the News*—is aimed at the mainstream journalists still suffering from liberal media bias. Goldberg, a former CBS News correspondent, even offers a twelve-step program for their recovery: "And if a twelve-step program can help drunks . . . then why not journalists?"

Arrogance teems with more examples of reporters at news organizations who pay more attention to being politically correct than reporting the facts. And Goldberg pities the self-doubting producers at the major networks who allow an important story to be reported only after it's first been mentioned in the *New York Times*—where "ideology regularly gets shoehorned into places you'd never expect to find it—not just . . . in the editorial or book or culture sections but . . . on the sports pages, too, where diversity and feminist issues are always being rammed down readers' throats."

When you add in the even more extreme condition of journalism schools—"They love diversity, these academic elites, but have no passion for a diversity of ideas"—things look bleak, indeed. But there's hope. Goldberg believes many journalists are troubled by their newsrooms, although they remain silent to avoid being labeled a "right-wing crazy." Perhaps now they'll follow Goldberg's lead and break their silence.

—*Erin Montgomery*

***Pompeii* by Robert Harris (Random House, 278 pp., $24.95).** Compared with Bulwer-Lytton's 1834 classic *The Last Days of Pompeii*, with its huge cast of characters and thickly tangled plot, Robert Harris has definitely written Pompeii Lite. Still, it has its own excitement and suspense.

The book turns on a leak in the impressive aqueduct that supplies a quarter of a million people around the Bay of Naples. A young engineer, straight arrow Marcus Attilius Primus, must discover the fault before Pompeii runs dry. In his work, he runs up against various wealthy and corrupt figures, particularly a former slave who is about to punish one of his own slaves by throwing him into a pond of eels for having let his prized mullets die. But the dead mullets give young Attilius a clue. Sulfur has seeped into the water—that's what killed them. From then on it's a race against time.

Even though everyone knows what happened to that small Roman town, Harris skillfully builds suspense in tracking the damage to the aqueduct and linking it to the historic eruption. And you certainly do learn an awful lot about Roman life in A.D. 79.

—*Cynthia Grenier*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Parody

***"In October, a British newspaper,* The Independent, *ran a hair-raising investigative report on U.S. touch-screen voting. But while the mainstream press has reported the basics, the Diebold affair has been treated as a technology or business story—not as a potential political scandal."* —Paul Krugman, *New York Times*, December 2, 2003**

DIEBOLD

The Best Results Money Can Buy

MEMORANDUM

From: Will Hack, Programming
To: Walden O'Dell, Chairman
Date: December 2, 2003
Re: Revising Code

Damn it -- Krugman's onto us. Do you think any of this code needs to be revised, or are we okay for now?

LINE 10: OUTPUT ("Welcome to the 2004 Diebold Voting Experience. I'm Boldy, your voting machine. When using me, just press my 'Yes' or 'No' buttons below.")

LINE 20: OUTPUT ("Now, then, are we ready to vote?")
IF INPUT = 'Yes' GOTO LINE 40
IF INPUT = 'No' GOTO LINE 30

LINE 30: OUTPUT ("Well, last I checked, you came here to vote, and I'm the machine that lets you vote. You might be feeling confused, and that's perfectly normal. At least if you're from Florida."), GOTO LINE 20

LINE 40: OUTPUT ("Great. Let me just ask you something—if you don't mind. Are you a Republican?")
IF INPUT = 'Yes' GOTO LINE 50
IF INPUT = 'No' GOTO LINE 60

LINE 50: OUTPUT ("I take it I can put you down for Bush, then?")
IF INPUT = 'Yes' GOTO LINE 90
IF INPUT = 'No' GOTO LINE 60

LINE 60: OUTPUT ("Okay, but are you in any way dissatisfied with the steady leadership of George W. Bush?")
IF INPUT = 'No' GOTO LINE 50
IF INPUT = 'Yes' GOTO LINE 70

LINE 70: OUTPUT ("That doesn't mean you'll be voting against him, though, does it?")
IF INPUT = 'Yes' GOTO LINE 80
IF INPUT = 'No' GOTO LINE 80

LINE 80: OUTPUT ("Let me clarify your answer. Is that: 'Yes, it doesn't mean I'll be voting against him?' or 'No, that's correct, it doesn't mean I'll be voting against him?'")
IF INPUT = 'Yes' GOTO LINE 90
IF INPUT = 'No' GOTO LINE 90

LINE 90: ADD +1 to BUSHVOTE

LINE 100: OUTPUT ("Glad to hear it, friend. See you in 2008.")

the weekly Standard
December 15, 2003

5995 Mayfair Road, North Canton, Ohio USA 44720-8077 • www.diebold.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Iraq and Vietnam

Robert Zelnick is a research fellow at the Hoover Institution and chairman of the epartment of Journalism at Boston University.

Despite a lifelong drift toward the political right, I remain convinced that my opposition to the Vietnam War was correct. I could not then and cannot today see the wisdom of stirring the ashes of French colonial ruin. Nor could I embrace the "tactical evacuation" of villagers from their ancestral homes, the Agent Orange employed to poison crops the enemy might eat, the phantom victories and inflated enemy body counts, the hoax of Vietnamization. I saw no dominoes beyond Indochina, only the inertia of committed egos. True, great powers should not lightly abandon their friends, but that sad result was preordained by political and geopolitical reality.

Today critics of the U.S. effort in Iraq casually invoke the memory of Vietnam. The United States finds itself in another quagmire, they claim, lured into battle by executive branch tactics as tricky as those employed by LBJ at the Gulf of Tonkin—overwhelmed by an enemy that feeds off popular resentment of the occupier, facing humiliation unless it can dump its obligations on a reluctant international community.

The comparison fails on every front. Saddam Hussein—with none of the national revolutionary credentials of Ho Chi Minh—was a Stalinist-style butcher who slaughtered his own people by the hundreds of thousands, waged aggressive war, employed chemical weapons, and sought to acquire a nuclear arsenal. He harbored terrorists and advertised his commitment to fattening the estates of suicide bombers. The very thought of this megalomaniac making or disposing of weapons of mass destruction according to his perception of an external threat is a decisive argument for armed intervention, not the reverse.

I am convinced, however, that a larger U.S. force was needed to take control of the country, to disarm potential foes, and to establish security in the immediate aftermath of the war. Iraq's army was needlessly disbanded, its internal security forces told to scatter. The United States has approached the formation of an Iraqi government and the implementation of a working constitution as though on a timetable befitting postcolonial America living under the Articles of Confederation. Meanwhile, attacks against U.S. forces multiply. The death and injury tolls mount.

Pressure on President Bush to take decisive action is intensifying. That is fine, if the action is designed to secure victory and not to paper over defeat. We need sufficient forces on the ground to choke the enemy, to aggressively carry the fight to places like Falluja—rather than carrying American bodies out. **Our credo should be democracy for Iraqis who work with us, destruction for those who bomb civilian hotels, shoot down helicopters, kill Red Cross workers, and murder Italian cops.**

From the outset the administration has accurately articulated the stakes in Iraq: We cannot allow terrorism to prevail in a part of the world where U.S. interests are vital and where fanatical movements may soon wield weapons of mass destruction. Now the administration must fight like it believes its own words. Here, unlike Vietnam, a fig leaf for defeat will not do.

—Robert Zelnick

Paid for by the Hoover Institution, Stanford University.

Interested in more commentary on public policy?

Visit us online at **www.hoover.org** *or contact us to receive a complimentary copy of the 200-page, award-winning* Hoover Digest.

Hoover Institution *Ideas defining a free society*

STANFORD UNIVERSITY, Stanford, California 94305-6010
info@hoover.stanford.edu www.hoover.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Creating a nation of homeowners.

The supply side.

If you were among the 18 million who financed or refinanced a home recently, a couple of things may have escaped your notice. First, even at historically low rates, plenty of mortgage money was available. No one ever said, "Sorry, we're all out of mortgages." Second, despite the unprecedented volume, most applications were processed quickly. Both are due to the pioneering work of Freddie Mac. The low-cost mortgage funds we attracted from around the world more than met the demand. And the technology we provide lenders helped them make quick work of the paperwork. By constantly improving the home financing system, we make the system work. You can find more information at FreddieMac.com/supplyside.

Freddie Mac

We Open Doors®

www.FreddieMac.com

©2003 Freddie Mac

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED